

**TESTIMONY OF THE MASSACHUSETTS CHILD WELFARE COALITION
AND THE CHILDREN’S LAW SUPPORT PROJECT**

April 20, 2021

Executive Summary

The Massachusetts Child Welfare Coalition and the Children’s Law Support Project object to the draft statutory proposals that the Commission is considering for the following reasons:

- **The draft proposals would make children less safe.** The proposals would keep families from accessing critical resources and overwhelm the limited resources of the Massachusetts Department of Children and Families (DCF), decreasing the likelihood that DCF would be able to respond promptly and effectively when a child is in real danger.
- **The draft proposals would increase racial disproportionality in the Massachusetts child welfare system.** DCF’s data already shows substantial disproportionality at every stage in the Massachusetts child welfare system, starting with the disproportionate number of Black and Latinx children reported to DCF. We believe that several features of the proposals—specifically, lowering the threshold for reporting from “reasonable cause to believe” to a “suspicion”, eliminating the exceptions for poverty and a parent’s disability as well as the caretaker requirement from the definition of neglect, and increasing penalties for failure to report—would significantly increase racial disproportionality by encouraging reliance on gut instinct and fear over reason.
- **The draft proposals would cause significant, irreparable harm to low-income families, disproportionately families of color.** The proposals would lead to a dramatic influx in unfounded reports, which cause serious educational harm to students, prevent parents from accessing needed employment, and cause emotional harm to families by putting them through deeply intrusive and upsetting investigations.
- **Many of the draft proposals are not tied to clearly articulated problems grounded in evidence.** Other than those proposals responding to the House Committee on Post Audit and Oversight’s concern about protecting youth athletes from sexual abuse by coaches, the Commission has not articulated or presented any data documenting an underlying concern that would explain the need for many of the sweeping recommendations it is considering. In addition, the Commission has not provided substantive recommendations that would be responsive to the House Committee on Post Audit and Oversight’s request for recommendations for implementing a standardized online mandated reporter training.

- **The draft proposals would not accomplish the Commission’s goals.** The Commission has expressed that its proposals to change the definitions of abuse and neglect by statute are designed to discourage mandated reporters from undertaking their own investigations, reasoning that these “investigative” functions are better left to DCF. But these statutes would apply to DCF as well, meaning that if the statute did not limit abuse and neglect to caretakers or to cases where the apparent neglect was not due solely to poverty or a parent’s disability, DCF would not have the authority to screen out reports on these grounds. This would have several unintended consequences, including the creation of a system in direct conflict with the protections of Section 504 of the Rehabilitation Act, the Americans with Disabilities Act and the Department’s own recent agreement with the Department of Justice and the Department of Health and Human Services, Office of Civil Rights.

We submit that there are far better ways to improve children’s welfare than by instituting a system that would massively increase the number of unfounded reports filed with DCF, significantly harm children and families, and substantially increase racial disproportionality in our child welfare system:

- **Child safety and well-being would be better improved by a high-quality, evidence-based mandated reporter training program.** While it is not the mandated reporter’s role to investigate, there is a middle ground between investigation and making no discerning inquiry into a situation before reporting to DCF. That middle ground is critical thinking. This is a teachable skill that can be, and has been, taught effectively in the specific context of mandated reporting through high-quality training programs. It is also an approach that DCF has embraced in its own protocols. The Commission should embrace a high-quality training program designed to achieve the twin goals of teaching mandated reporters to recognize real risk of abuse and neglect while avoiding the serious harm of unfounded reports.
- **There are simple steps that mandated reporters can take to improve child safety and welfare and increase support to stressed families that do not involve DCF.** For example, mandated reporters can educate families about the Children’s Behavioral Health Initiative and Community Service Agencies, refer families to DCF’s Family Resource Centers, and refer children for special education evaluations.

1. Introduction

This testimony is submitted on behalf of the Massachusetts Child Welfare Coalition, a coalition of independent advocates seeking meaningful reform of the Massachusetts child welfare system, and the Children’s Law Support Project (CLSP), a coalition of legal services attorneys across the Commonwealth whose work addresses the needs of low-income children. We strongly object to the draft statutory proposals being considered by the Commission, which would make children in the Commonwealth less safe, dramatically increase racial disproportionality in our child welfare system, and result in significant, long-lasting harm to low-income Black and Latinx children and their families.

We share the Commission’s goal of protecting the health and safety of the Commonwealth’s children. However, for at least two reasons, the recommendations the Commission are considering would make children less safe. First, by undermining families’ trust in their relationships with those to whom they turn in times of need, the proposals would make it less likely that families would reach out for the help they need to keep their families safe. Second, by creating a system that would flood the Massachusetts Department of Children and Families (DCF) with unfounded reports, the proposals would make it harder for DCF to identify and respond adequately to those situations where a child is actually at risk of abuse or neglect.

The proposals would also worsen racial disproportionality in an agency already characterized by racial disproportionality. Children of color are overrepresented at every stage in the Massachusetts child welfare system, from the disproportionate number of Black and Latinx children with substantiated complaints of abuse and neglect, to the disproportionate number of Black and Latinx children separated from their parents, to the disproportionate number of Black and Latinx children who age out of foster care without permanent families. This disproportionality starts at the front door, with Black and Latinx children and their caregivers reported to DCF at rates far exceeding their rates in the Massachusetts population. The system being considered by the Commission would encourage reporters to act on their suspicions and gut instincts—often those most influenced by racial bias—instead of encouraging balanced reporting based on inquiry, assessment, and reflection. As a result, the number of unfounded reports driven by racial bias would skyrocket. And unfounded reports—even if screened out or eventually found unsupported—cause significant, irreparable harm to children and their families. They damage childrens’ education, bar parents from accessing needed employment, and cause families significant emotional harm.

We submit that any recommendations by the Commission as to the statutory or regulatory definitions of abuse and neglect should be targeted to clearly defined problems. For example, it is our understanding that the Commission is specifically concerned with preventing sexual abuse by coaches and other personnel working with

young athletes. This can be effectively addressed through narrowly expanding the list of mandated reporters and providing specialized training to these reporters. To the extent the Commission hopes to improve children’s welfare generally, there are far better ways to do so than by resorting to a system that would massively increase the number of unfounded reports filed with DCF, significantly harm children and families, and substantially increase racial disproportionality in our child welfare system. One basic way is to introduce sophisticated mandated reporter training, already in use in several other states, that effectively trains mandated reporters in the critical thinking skills necessary to detect when children are at risk of abuse and neglect and to distinguish between what is actually parental neglect and what is the result of poverty, a parent’s disability, a communication failure, or any other factor that would lead to an unfounded report. Such training can also ensure mandated reporters are aware of the community-based resources available to address family needs that do not require a DCF referral, such as the Children’s Behavioral Health Initiative, Community Service Agencies, and Family Resource Centers. Broad statutory language that is not precisely targeted to solve clearly defined problems and stands to increase the harms that stem from unfounded reports is not the right answer.

2. Specific Objections to the Proposals Being Considered by the Commission

For reasons set forth in sections 3-8 of this testimony, we strongly object to the following proposals the Commission is considering:

a. Expanding the Definitions of Abuse and Neglect

Current regulations state that “neglect” means the failure of a caretaker to provide the basic necessities (such as food, clothing, shelter) to a child, but specifically state that a failure to provide the basic necessities shall not be considered neglect if it is due solely to inadequate economic resources or to “the existence of a handicapping condition.”

The Commission’s draft proposal:

- removes the current limitations that a failure to provide the basic necessities shall not be considered neglect if it is due solely to inadequate economic resources or to the existence of a “handicapping condition”; and
- removes the limitation that neglect is limited to caretakers.

b. Expanding the List of Mandated Reporters

The statute currently specifies a list of medical providers, mental health providers, education providers, public safety officials, social service providers, and clergy who are required to report to DCF when they have reasonable cause to believe

a child has been abused or neglected. The Commission is considering a proposal to expand that list substantially to make many more people mandated reporters in all categories. As some examples, the Commission is considering adding:

- For social service agencies, anyone working for any of nine state agencies whose mandate touches on children, whether or not that person has any contact with children.
- For other categories, home computer repair and IT specialists, as well as anyone developing film.
- For mentors, mentors and personnel of public libraries, religious organizations, and recreational activities, including volunteers.
- For educational providers, school board members and any school personnel who interact with children for any school-sanctioned activity on or off school premises or remotely.
- For child care providers, any person providing services to a child in the child's home, including au pairs, nannies, and any paid or unpaid babysitters. This could include relatives and friends providing in-home child care.

c. Lowering the Level of Information Needed to Require a Report of Abuse and Neglect

Current regulations state that mandated reporters are required to report to DCF if they have reasonable cause to believe that a child is suffering physical or emotional injury.

The Commission is considering a proposal to define "reasonable cause to believe" as:

A suspicion that a child has been maltreated or is at substantial risk of being maltreated based on... a child's disclosure, an admission by a perpetrator, information from a third party, or a mandated reporter's own observations or impressions which may be informed by a particular expertise, training or experience. Proof or certainty is not required.

d. Increasing Penalties for Failure to Report

The current penalty for failing to report is \$1,000. The Commission is considering a proposal to increase penalties to a range of \$1,000 to \$10,000, and a range of \$5,000 to \$50,000 for willful failure to report abuse or neglect that result in serious bodily injury or death, or imprisonment for up to 2 ½ years, along with

notification to licensing authorities. The Commission is also considering adding as a penalty that upon a determination by law enforcement, state investigatory agency or licensing body that a mandated reporter failed to file a mandated report, that entity shall notify the reporter's licensing agency.

3. The Proposed Changes Would Make Children Less Safe

The proposals set forth by the Commission for public consideration would make children less safe for at least two reasons.

a. The Proposed Changes Would Keep Families from Accessing Critical Resources

First, the increased threat of reporting would further prevent families from confiding in individuals who might connect them to critical services and resources. Low-income families of color are already relentlessly surveilled and policed by the child welfare system. This is not because of DCF workers patrolling the streets or deploying surveillance technology, but because of service systems "that open the door to state investigation of intimate life."¹ Studies confirm that this arrangement "strains relationships between families and reporting systems."² "Mothers recognize[] legal reporting requirements, but they often express[] resentment and distrust believing reporting professionals should have handled situations differently."³ As a result, they are less likely to engage with systems of support.⁴

For example, one mother interviewed in connection with a study on low-income mothers' institutional engagement recalled asking hospital staff when her newborn twins would be discharged so she could arrange housing for them, sharing that she had been sleeping at her workplace and her mother's garage apartment. Instead of connecting the mother to services that could provide housing support, the hospital staff reported her to Child Protective Services (CPS). The mother recalled, "I was trying to be honest just so I can prepare myself...[but] that backfired on me . . . After that moment I learned how to play the game."⁵ Another mother shared that, after moving to another state, she lived in her car with her boyfriend and her two young children on and off for six months. When they learned that they needed to

¹ Kelley Fong, "Concealment and Constraint: Child Protective Services Fears and Poor Mothers' Institutional Engagement," *Social Forces* 97, no. 4 (June 1, 2019): 1785–1810, <https://doi.org/10.1093/sf/soy093>.

² *Id.*

³ *Id.*

⁴ See Gary B. Melton, "Mandated Reporting: A Policy without Reason," *Child Abuse & Neglect* 29, no. 1 (2005): 9–18, <https://doi.org/10.1016/j.chiabu.2004.05.005>. (finding that assurances of confidentiality increase help-seeking behavior).

⁵ Kelley Fong, "Concealment and Constraint: Child Protective Services Fears and Poor Mothers' Institutional Engagement," *Social Forces* 97, no. 4 (June 1, 2019): 1785–1810, <https://doi.org/10.1093/sf/soy093>.

provide proof of residency in order to receive welfare or SNAP, they forwent the assistance, “because if [welfare] find[s] out [about the living situation], they have to tell CPS and CPS will come and take the kids away.” Instead, they endured severe hardship in a record-cold New York winter. Other mothers reported declining non-profit services like homeless shelters and home visiting programs, interpreting this type of assistance as “bait” to lure them to CPS.⁶ Across the board, mothers reported responding to situations with a goal of avoiding CPS intervention, rather than maximizing their families’ material conditions.

The proposals under consideration by the Commission would have a chilling effect on families because those in the best position to help, and those who know the families best, will be under increased pressure to report rather than provide assistance. As a result, poor children’s needs will become even less visible to institutional resources and support.

b. The Proposed Changes Would Overwhelm the Child Welfare System

The influx of unfounded reports by an enlarged group of mandated reporters using expanded definitions of abuse and neglect would overwhelm the limited resources of DCF, which would decrease the likelihood that DCF would be able to respond promptly and effectively when a child is in real danger. The current requirements for mandated reporters—which require reporting in a narrower set of circumstances than those set forth in the proposals—already lead to significant amounts of unsubstantiated and inappropriate over-reporting. *See* Enclosure; *see also* DCF FY20 Annual Report (reporting that, in 2019, 43% or 36,340 of reports were screened out as not meeting criteria, and over 70% or 59,071 of all reports filed were ultimately either screened out or unsupported by DCF).⁷ The proposed changes would substantially increase over-reporting. An unprecedented range of laypeople, ranging from home computer repair persons to library volunteers, would be required by law to file reports of suspected abuse or neglect. In addition, reporters would be required to file even if it would be easier and more consistent with their institution’s protocol to ask the child and/or family, or those within their institution, a few simple questions to determine whether the suspected mistreatment is the direct result of poverty, a disability, or other circumstances not indicative of abuse or neglect. They would be required to file even if they did not think the mistreatment was by a caretaker. They would be required to file even if they only had a “suspicion” that a child was mistreated based on their own “impressions.”

DCF would then spend significant amounts of time and resources screening and investigating these reports. For an agency with limited resources, this would likely

⁶ *Id.*

⁷ DCF Annual Report, FY 2020 pp 22 and 24, Tables 26 and 28.

mean a decrease in the agency's ability to help children who are actually in danger.⁸ Legitimate reports may be left uninvestigated for several days or weeks. Investigations may become hasty, resulting in the agency inaccurately classifying children in immediate danger as low risk. Children with open cases may fall through the cracks, left unsupervised in increasingly unsafe home situations.

The experiences of other states demonstrate that the proposed recommendations would make it harder for DCF to respond to actual abuse and neglect. For example, in 2014, Pennsylvania amended its Child Protective Services Law to broaden the definition of child abuse and who could be regarded as a perpetrator, expand the list of mandated reporters, and increase the circumstances under which mandated reporters needed to report.⁹ An audit conducted from January 1, 2014 through June 30, 2016 demonstrated that ChildLine, the Pennsylvania child abuse hotline (and the equivalent of the Massachusetts Child-at-Risk Hotline), was inundated with calls that the Pennsylvania Department of Human Services (DHS) was not adequately staffed or funded to handle.¹⁰

As a result of the rise in calls, performance at ChildLine suffered in several ways: First, over the audit period, nearly 58,000 calls went unanswered. In 2015 alone, 22% of calls (41,990 calls) went unanswered, and 43% of calls were abandoned or deflected.¹¹

- Data from 2015 reflects that while ChildLine calls received in 2015 increased by 23,446 from 2014, actual calls answered decreased by 11,764.
- Only 103 of more than 380,000 calls were monitored over 2 ½ years. DHS admitted that, due to the increased workload, supervisors could

⁸ See Mical Raz, "Unintended Consequences of Expanded Mandatory Reporting Laws," *Pediatrics*, April 1, 2017, e20163511, <https://doi.org/10.1542/peds.2016-3511> at 2 ("[M]echanisms to increase reporting do not necessarily include increased funding or additional personnel dedicated to children's services. Accordingly, increased reporting depletes resources that are already spread thin and diverts attention away from children who need it the most.")

⁹ Commonwealth of Pennsylvania Department of the Auditor General, *Performance Audit Report: Pennsylvania Department of Human Service ChildLine*. (2016) <https://www.paauditor.gov/Media/Default/Reports/Performance%20Audit%20of%20the%20PA%20Department%20of%20Human%20Services%20-%20ChildLine.pdf>.

¹⁰ Between 2014 and 2015, there was a 14% increase in ChildLine calls (from 164,911 to 188,357), including a 39% increase in reports of suspected child abuse. The Department also received approximately 42,000 additional referrals electronically from mandated reporters.

¹¹ The alarmingly high number of abandoned calls can likely be explained by the long wait periods caused by the inundation of Childline. Average wait times increased from below 1 minute in 2014 to between 1.6 to 6.7 minutes in 2015.

not provide optimal supervision and had to prioritize answering calls and training new staff over monitoring activities.¹²

- The flood of reports resulted in delays in transmitting child abuse reports to investigation agencies.¹³

This audit of the impact on the Pennsylvania child welfare system of expanding its mandated reporting system in ways similar to those contemplated in Massachusetts raises serious concerns that the Commission’s draft proposals would overwhelm DCF’s ability to respond to actual abuse and neglect and place children at greater risk for harm. If the Commission seeks to make children safer, it should be considering ways to reduce—not increase—the number of hastily filed and poorly thought-out reports.

4. The Proposed Changes Would Increase Racial Disproportionality in the Massachusetts Child Welfare System

DCF’s data currently shows substantial racial disproportionality in its caseload. Black children are present in the DCF caseload at 1.6 times their rate in the Massachusetts population and Latinx children at 1.8 times their rate in the Massachusetts population. For every white child in its caseload, there are 2.5 Black children and 2.9 Latinx children.¹⁴ Once in the child welfare caseload, Black and Latinx children face a higher risk of being separated from their families. Black children are in foster care at 1.6 times and Latinx children at 1.7 times their presence in the Massachusetts population. This means that Black children are separated from their families at 2.5 times and Latinx children 2.6 times the rate of their white counterparts.¹⁵ Significantly, publicly available preliminary data from DCF shows that this disproportionality starts with reporting. Black and Latinx children are reported at 1.2 times their rate in the Massachusetts population while white children are reported at .6 times their rate in the Massachusetts population. This means that for every white child reported to DCF, 2.1 Black children and 2 Latinx children are reported.¹⁶

National studies examining mandated reporting in the medical field provide insight into the racial bias that underlies some of this reporting. A UC Davis study

¹² Without adequate monitoring of calls, there is a much higher likelihood that calls will not be processed efficiently or accurately, putting children at risk.

¹³ In reviewing 85 reports, the auditor found that 22 reports were not transmitted to the county and/or law enforcement agencies within two hours of receipt. ChildLine caseworkers’ ability to submit referrals on time is essential as any delay could put a child at risk; the audit highlighted one case in which the CPS referral was not transmitted even within 24 hours.

¹⁴ Massachusetts Department of Children and Families, Annual Report FY 2020, (2020) <https://www.mass.gov/doc/dcf-annual-reportfy2020/download>, 4.

¹⁵ *Id.* at 8.

¹⁶ Massachusetts Department of Children and Families Data Work Group, *DCF Data Work Group Agenda and PowerPoints from February 25, 2021*, (2021). <https://www.mass.gov/doc/february-25-2021-data-work-group-agenda-powerpoint/download>, page 5.

found that half of medical students and residents held at least one belief about biological differences between Black and white individuals that was actually false, such as Black people having more pain tolerance or stronger bones than white people, which then affected treatment recommendations.¹⁷ It comes as no surprise, then, that Black and Latinx children with accidental fractures have been found 8.75 times more likely to undergo a skeletal survey than white children and 4.3 times more likely to be reported to the child welfare system.¹⁸ Indeed, across the board, medical personnel have been found to be more likely to investigate injuries to Black children for abuse than identical injuries to white children, even after controlling for presenting complaint and socioeconomic status.¹⁹

Beyond individual racial bias, significant racial disproportionality results when structures encourage individual actors to act on their explicit or unexamined racial biases, fail to discourage them from acting on their biases, or create the conditions under which they are likely to act on their biases. Three features of the proposed changes to the Massachusetts mandated reporting system would significantly increase racial disproportionality in Massachusetts for these structural reasons:

1. **Lowering the reporting threshold from “reasonable cause to believe” to a “suspicion” based on an “impression.”** Nothing gives more free reign to racial bias than asking mandated reporters to favor their gut instincts, suspicions and impressions, over their reason.²⁰
2. **Eliminating the exceptions for poverty and a parent’s disability as well as the caretaker requirement from the definition of neglect.** This sends the clear message to reporters that they should not make an effort to discern whether what appears on first impression to be neglect may actually be a manifestation of a family’s poverty or a parent’s disability, which can be addressed by providing resources, supports or reasonable accommodations. The message to mandated reporters is

¹⁷ “Disparities in Child Abuse Evaluation Arise from Implicit Bias,” Medscape, accessed March 29, 2021, <http://www.medscape.com/viewarticle/943639>.

¹⁸ *Id.*

¹⁹ C. Jenny et al., “Analysis of Missed Cases of Abusive Head Trauma,” *JAMA* 281, no. 7 (February 17, 1999): 621–26, <https://doi.org/10.1001/jama.281.7.621>; Wendy G. Lane et al., “Racial Differences in the Evaluation of Pediatric Fractures for Physical Abuse,” *JAMA* 288, no. 13 (October 2, 2002): 1603–9, <https://doi.org/10.1001/jama.288.13.1603>.

²⁰ We understand that it is not a mandated reporter’s role to conduct an investigation as thorough as a DCF caseworker’s in order to determine whether there is a “reasonable cause to believe” that a child has been abused or neglected. However, mandated reporters can and should be expected to undertake some basic inquiry and reflection—more than just acting on a “suspicion” which is, in turn, based on an “impression”—before taking a step that can cause harm to a family. Such an inquiry is not a heavy burden for a reporter; in fact, in the school context, it already constitutes best practice in many schools and districts. It may involve talking with other professionals to determine what is known about the family, what might explain the observed behavior, and what additional resources can be provided that would provide safety.

“don’t think, just report to DCF.” This message, reinforced by the message to rely on gut instincts, will encourage racial bias over reasoned inquiry.

3. **Increasing penalties, both financial and potential loss of licensure, for failure to report.** This will increase the pressure to report even when the reporter knows that other things could be done to reduce the risk of harm to a child. Acting under pressure to report without common sense inquiry does not promote the clear thinking necessary to avoid reporting based on racial bias.

Moreover, the reality is that poverty is disproportionality distributed to people of color, and is also disproportionately associated with parents with disabilities who face parenting challenges and are entitled to accommodations. Asking mandated reporters to act as if this reality does not exist, by discouraging them from using critical thinking to discern whether poverty or a parent’s disability account for the situation that is causing them concern, will result in the disproportionate reporting of Black and Latinx children to the child welfare system.

No amount of implicit bias training could overcome these structural incentives to racially disproportionate reporting. As Scientific American concludes and other researchers agree, “meaningful progress at the structural and institutional levels takes longer than a few days of implicit bias training.”²¹ We cannot hope to avert significant increases in racial disproportionality, much less reduce the racial disproportionality in our current mandated reporting system, by relying on racial bias training. We must build a mandated reporting system that is itself structured to reduce disproportionality in reporting. Our proposals for approaching that task are below in section 8.

5. **Unfounded 51A Reports Causing Significant, Irreparable Harm to the Commonwealth’s Most Vulnerable Children and Their Families**

As described above, the proposals would lead to a dramatic influx in unfounded 51A reports. Unfounded reports—even if screened out or eventually found unsupported—cause significant, irreparable harm to low-income families, disproportionately families of color. They cause serious educational harm to students,

²¹ Tiffany L. Green Hagiwara Nao, “The Problem with Implicit Bias Training,” Scientific American, accessed March 29, 2021, <https://www.scientificamerican.com/article/the-problem-with-implicit-bias-training/>. <https://www.scientificamerican.com/article/the-problem-with-implicit-bias-training/>. See also, “NYPD Study: Implicit Bias Training Changes Minds, Not Necessarily Behavior,” NPR.org, accessed March 29, 2021, <https://www.npr.org/2020/09/10/909380525/nypd-study-implicit-bias-training-changes-minds-not-necessarily-behavior>; Frank Dobbin and Alexandra Kalev, “Why Doesn’t Diversity Training Work? The Challenge for Industry and Academia,” *Anthropology Now* 10, no. 2 (May 4, 2018): 48–55, <https://doi.org/10.1080/19428200.2018.1493182>.

prevent parents from accessing needed employment, and cause emotional harm to families by putting them through a deeply intrusive and upsetting investigation.

a. Educational Harm to Students

When a staff member at a child’s school files an inappropriate 51A against a child’s parent, the relationship between the school and the family is ruptured. In one of our cases, for example, a young child fell asleep during class and reported to a teacher that he was tired because his parent “gave [him] a new pill.” Had the teacher walked down the hallway to the nurse’s office, she would have learned that indeed, this child was receiving a new medication with half a dose in the morning and half at lunch, as prescribed by his pediatrician. The teacher could have then alerted the parent of this important side effect, and the parent could have discussed it with the pediatrician. Instead, this staff member filed a 51A that was screened in and eventually found unsupported. The child’s mother no longer trusted the teacher. She could not understand why the teacher had not called her first, and believed that the teacher thought that she, a Black woman, was a neglectful or abusive mother.

We know that students perform better in school when their families and their schools work together collaboratively. Unfounded reports damage that critical relationship.

b. Loss of Employment Opportunities

Parents, particularly low-income parents, are at significant risk of losing employment opportunities that may be available to them, especially jobs involving contact with children, as a result of unfounded reports. Under current law, all reports of abuse or neglect are entered in DCF’s Central Registry. Even if the report is eventually not substantiated, the names of the alleged perpetrators may remain in the Central Registry for one year after DCF determines that the report cannot be substantiated.²² This creates barriers to needed employment and potential risk for future entanglement with DCF.

Specifically, DCF has broad authority to permit access to its Central Registry by other state agencies for the purpose of screening applicants for employment, volunteers, interns, or other individuals who may have unsupervised contact with children, 110 CMR 4.35(3), as well as to law enforcement, educational institutions, or other individuals, agencies or departments, 110 CMR 4.35(4). In addition, DCF itself can always access Central Registry information for its own investigation purposes, 110

²²Unsubstantiated 51A reports will be removed before one year only if “the department determines during the initial screening period of an investigation that said report under 51A is frivolous, or other absolute determination that abuse or neglect has not taken place” in which case the report shall be labelled “allegation invalid.” MG.L. c. 119, §51F. DCF has not publicly disclosed how it interprets the circumstances under which it removes unsubstantiated 51A reports.

CMR 4.35(1)(c) -(f), to determine whether to approve a prospective foster or adoptive family, 110 CMR 4.35(1)(b), or for employment purposes, 110 CMR 4.35(1)(a).

c. Emotional Harm to Families

Families experience serious emotional harm when subjected to an investigation where their family, parenting and lifestyle choices are put under the microscope. Once again, this harm may be illustrated by example.

When one of our clients, a young Black boy with a disability, became upset after an argument with a peer, the school called his mother three times in half an hour, and was unable to reach her. The school then filed a 51A. The boy's mother was a hairdresser, and was mid-haircut for the half an hour the school was calling her. When she did call the school back, 55 minutes after their first call to her, nobody answered. She was left panicking, and, after 40 minutes of trying unsuccessfully to contact the school by phone, drove to the school. There she learned that her young son had been restrained at least three times that morning and was being held in a small room off of the principal's office with one paraprofessional. She immediately took her son home.

For the rest of that day, this mother tried to focus on what her son needed. She brought in his in-home therapist and consulted with his school-based counselor. This effort was interrupted, however, by a DCF investigation, with a case worker walking around their home, opening cabinets and asking intrusive questions. The mother was afraid she might lose her son. Even though the 51A was eventually found unsupported, she remained traumatized by the reminder that the state had the power to take custody of her child.

6. Many of the Proposals Are Not Tied to Clearly Articulated Problems Grounded in Evidence

The legislative initiative that gave rise to the Mandated Reporter Commission was sparked by the Larry Nassar and USA Gymnastics sexual assault crisis. After concluding its investigation, the House Committee on Post Audit and Oversight made two simple recommendations:

1. Protect youth athletes by enacting legislation to require coaches, administrators and other staff employed by or volunteering with private athletic organizations to act as mandated reporters of child abuse and neglect; and

2. Implement a standardized online mandated reporter training in which an EOHHS-approved curriculum is developed in conjunction with other stakeholders, in alignment with the Child Welfare Law of 2008.²³

Subsequently, as part of the 2019 Children’s Health and Wellness Act, the legislature established the Mandated Reporter Commission with a broader mandate to make recommendations on who should be a mandated reporter, mandated reporter training and accountability and oversight of the mandated reporter system.

Several of the proposals being considered by Commission understandably respond to the issues identified and researched in the House Post Audit report: the concern about powerful people, in a position of trust that is currently unregulated, sexually assaulting children; and the need to develop the mandated reporter training required by the Child Welfare Law of 2008. The Commission’s proposals would expand mandated reporting to coaches and make some recommendations on training. However, the Commission is considering a sweeping expansion of the mandated reporting system and has not articulated or presented any data documenting an underlying public concern other than addressing sexual assault of youth athletes. If the Commonwealth seeks to address a specific risk to youth athletes, the proposals it is considering to add as mandated reporters coaches and other personnel in private athletic associations, and even coaches of minors in institutes of higher education, are reasonably calculated to do that, without the sweeping overhaul contemplated by the remainder of its proposals.

A concern about protecting children from more generalized sexual abuse appears to have driven proposed changes which would have unintended effects. For example, the Commission suggests that personal computer repair people who come to private homes to fix computers should be mandated reporters because they might come across pornography. Even if we assumed that this would result in reliable reporting of sexual abuse, there is no logical reason that computer repair people should be mandated to report if they believe they have seen neglect, since they are in no position to judge or evaluate those circumstances.²⁴

²³ House Post Audit Committee, *Raising the Bar: A Vision for Improving Mandated Reporting Practices in the Commonwealth*, (2018).

<https://www.mass.gov/doc/raising-the-bara-vision-for-improving-mandated-reporting-practices-in-the-commonwealth/download>.

²⁴ This is just one of many examples of where the expansion of the list of mandated reporters does not appear to have been thought through. It remains unclear to us why coaches, athletic personnel, and any other needed categories cannot be added as mandated reporters without broadening the categories in ways that are vague and confusing. For example, it is not clear who exactly is a “mentor,” who is encompassed by the term “other youth serving individuals,” or why it is necessary that anyone working in any agency that has any child serving designation becomes a mandated reporter even if that individual’s role provides them no contact with children.

With respect to training, although the legislature asked for recommendations on training, the Commission has not advanced for public consideration substantive recommendations that would be truly responsive to this request. The only two proposals regarding training put forth by the Commission address the frequency with which mandated reporters should complete training and the general topics to be covered, and the Commission asks for feedback only on whether reporters should repeat the same topics at each training or have a selection of topics after the initial training. The heart of the matter, however, is how to train mandated reporters to recognize when a child is truly at risk and to distinguish between real risk and a child manifesting the family's need for support and resources. Such training is possible—it is currently offered in other states—and it is necessary. We outline the general approach of such a training in section 8 below.

7. The Proposed Changes Would Not Accomplish the Commission's Goals

Currently, DCF's regulations specify that a caretaker's failure to provide the basic necessities to a child is not "neglect" if it is due solely to poverty or a parent's disability, and define both abuse and neglect to refer to actions or inactions only of a child's caretaker.²⁵ The Commission's draft proposal would statutorily eliminate the exceptions for poverty and parental disability. It would also eliminate the requirement that the abuse or neglect be committed by a caretaker; instead, abuse and neglect would be defined to pertain to the actions or inactions of "another."

The Commission's intention in proposing these statutory changes is apparently to discourage mandated reporters from undertaking an investigation into whether the person involved in the apparent abuse or neglect was a "caretaker," or whether the apparent neglect was due to poverty or a parent's disability. The Commission has expressed that it is better to leave those "investigative" functions to DCF.

With respect to asking a mandated reporter to determine whether the person being reported is a caretaker, the Commission writes:

The term caregiver (or caretaker) is currently defined by the DCF regulations and is a complex definition that includes an evaluation of whether the person is entrusted with the responsibility of caring for a child. The complexity of how this term may be applied to certain fact patterns is too difficult for mandated reporters to untangle at the reporting stage without engaging in some type of investigation prior to filing. The Commission notes that any internal investigation to support a 51A filing that goes beyond a minimal inquiry to determine whether facts support a concern that a child is subject to abuse or neglect is

²⁵ 110 CMR 2.00.

problematic, should be avoided, and is often detrimental to the child protective case once it reaches DCF.²⁶

This rationale misses the fact that it often does not take an “investigation” to know when an injury to a child is caused by someone who is not a caretaker (for example another child, or a stranger to the child). The proposed change would require the mandated reporter to report an injury to DCF even when the reporter knows the injury was not caused by a caretaker.²⁷

Similarly, with respect to asking mandated reporters to distinguish neglect from poverty or a parent’s disability, the Commission writes they want to “avoid any encouragement of any investigation by a mandated reporter that may jeopardize the effectiveness of the DCF investigation which requires specific skills (including reducing the number of times a child is interviewed in order to reduce trauma and improve accuracy of reporting).”

But folding the effects of poverty or a parent’s disability into the definition of neglect is not the way to preclude inappropriate investigations by mandated reporters. Thoughtful school protocols, such as the [Department of Elementary and Secondary Education’s Promoting Student Engagement, Learning, Wellbeing and Safety During Remote and Hybrid Learning \(Winter 2020\)](#) instead require educators to engage families and partners and identify and utilize research-based tiers of supports and services to address families’ needs rather than immediately assuming that parents are neglecting their children.

Even if we assumed that discerning who is a caretaker and distinguishing poverty and a parent’s disability from neglect are actually “investigative” functions that only DCF can perform, the most basic problem is that **this approach cannot work. DCF would be constrained by the same statutory definitions as mandated reporters.** While currently DCF can, and must, screen out reports alleging abuse and neglect by non-caretakers, if the statute did not limit abuse and neglect to caretakers, DCF would not have the authority to screen out reports on the grounds that the alleged abuse or neglect was committed by non-caretakers. Investigating and supporting otherwise

²⁶ Mandated Reporter Commission Report Seeking Public Comment, Proposals Presented to the Commission, p. 25

²⁷ This could have serious unintended consequences with respect to injuries caused by other children reported to DCF. The proposal appears to assign a wider range of interactions with children to the Department. If DCF is now being tasked with acting as a clearinghouse for a variety of allegations, is the Commission suggesting that the agency’s mandate and role should be expanded? Would new resources and services accompany these additional incidents reported to DCF? This proposal leaves more questions than it gives answers. With such a broad and unclear expansion of the statute, any new subsequent legislation is open to challenge. Such an expanded screening and sorting function at the front door could also cause substantial delays in getting protective or supportive services to the families whom it is within DCF’s core mandate to serve.

valid complaints of child abuse and neglect by anyone, caretaker or non-caretaker, would become a part of DCF's mandate.²⁸

The Commission may intend to limit the reach of any proposed statutory definition of abuse and neglect to mandated reporters only, and allow DCF to keep its current, different, definitions of abuse and neglect for purposes of responding to those reports.²⁹ A proposal to have conflicting statutory and regulatory definitions of the same terms in the same field of law but applicable to different actors seems inelegant and confusing at best. But more importantly, such conflicting proposed laws signal a major flaw. This is that mandated reporters would be required to report to DCF, under pains of large financial penalties or loss of licensure, circumstances that the agency does not define as abuse and neglect. This means that mandated reporters would be required to report cases of injury to children **even when they knew** the injury was not caused by a caretaker, and when they knew that DCF would screen them out. Similarly, they would be required to report cases of poverty to DCF **even when they knew** that what the family needed was resources, not child protection, and when they knew the situations did not meet DCF's definition of neglect. The Commission's Chair herself has said that "if a child seems hungry, a mandated reporter should be able to help that family apply for food stamps. Ideally, a teacher should be trained to ask a hungry child why they are hungry, then differentiate between a family that needs money for food, and a family where a child is being punished or a parent is forgetting to feed their child."³⁰ But the definition being considered by the Commission would not allow mandated reporters to do that. It would require reporters to report under those circumstances. In addition, mandated reporters would be required to report situations that arose due to a parent's disability, even when they knew the situations did not meet DCF's definition of neglect, and even when reporting rather than offering accommodations to the parent could require the reporter to violate federal protections for persons with disabilities. Importantly, it is the filing of a report of suspected abuse or neglect *itself* - even if ultimately screened out or unsupported - that often causes the harms described in section 5 above.

Similarly, while the Commission may have intended that DCF would screen out, or investigate and not support, reports in which the apparent neglect was due solely to poverty or a parent's disability, eliminating these exclusions from the statutory

²⁸ The Commission suggests at p. 26 of its Report Seeking Public Comment that DCF could still follow the definition of "neglect" in its regulations and could therefore screen out cases in which apparent neglect was actually due to poverty or a parent's disability. However, when a regulation and a statute have conflicting definitions of the same term, the statute prevails, and unless their purpose and scope of the statute and the regulations were clearly distinguished DCF would be bound to follow the statutory definition. This would remove the authority DCF currently has to screen out cases in which what appeared to be neglect was actually due to poverty or a parent's disability.

²⁹ The Commission suggests at p. 22 that its intent is that the statute would apply to mandated reporters and the regulations would apply to DCF.

³⁰ State Considering major expansion of child abuse reporting laws: Proposal raises fear of racial disproportionality, Commonwealth Magazine, April 16, 2021

definition of neglect could remove DCF's authority to screen out or not support neglect allegations in such cases. Inappropriately categorizing cases of poverty and parental disability as neglect would thus significantly increase DCF's caseload, to the detriment of children and families.³¹ It may also run afoul of DCF's own regulations, which state that poverty is not to be viewed as neglect,³² and be in direct contradiction to the protections of Section 504 of the Rehabilitation Act, the Americans with Disability Act and the Department's own recent agreement with the Departments of Justice and Health and Human Services, Office of Civil Rights.³³ Creating overly broad statutory definitions of abuse and neglect which preclude DCF from making appropriate screening and investigation decisions cannot be what the Commission or the Legislature intended.

8. Other Approaches Would Better Accomplish What Appear to Be the Commission's Goals

a. A High-Quality Training Program, such as Those Already Used in Several Other States, Would Better Improve Child Safety and Well-Being

High-quality mandated reporter training can teach mandated reporters the essential critical thinking skills necessary to identify when a child is at risk of abuse and neglect and to distinguish abuse and neglect from poverty, a parent's disability or other underlying family stressors.

The proposals the Commission is considering are premised on its reasoning that mandated reporters should not be encouraged to undertake any "investigation."³⁴ While it is true that a mandated reporter's role is not to investigate, there is a middle ground between investigation and making no discerning inquiry into a situation before reporting to DCF. That middle ground is critical thinking. This is a teachable skill that can be, and has been, taught effectively in the specific context of mandated reporting. Moreover, DCF has embraced this approach in its own protocols.

³¹ Specifically, enacting a statutory definition of abuse and neglect for reporting that is deliberately broader than the agency's definition would create a system designed to flood DCF with cases it is not equipped or authorized to handle, thereby diverting DCF's limited resources from the real abuse and neglect cases that need its attention. The problems with this are discussed in greater detail in section 3(b) above.

³² See 110 CMR 1.11.

³³ Pursuant to the Department's recent agreement with the DOJ and HHS/OCR, to settle the "Sara Gordon" matter (among others), DCF has agreed to comply with the ADA and Section 504 in its policy and practice. By changing the definition of neglect in this way, instead of consideration of a required accommodation, services or support for a parent with a disability, the family instead would be reported to DCF. This would open the door to potential bias and discrimination for parents with disabilities, in violation of DCF's agreement and its own nondiscrimination policy (pursuant to the agreement), and set DCF on a backwards course, as was highlighted in [the "Sara Gordon" findings](#).

³⁴ See section 6.

One training example is iLookout, developed by Benjamin Levi, MD, PhD, a practicing pediatrician and philosopher at Penn State College of Medicine and Penn State Children's Hospital. This training is currently in use in Pennsylvania and Maine and has recently been adopted by the federal Head Start program. It teaches mandated reporters critical thinking skills that help them identify when children are at risk. It also trains mandated reporters to identify what is the result of poverty or a parent's disability and not abuse and neglect. It provides information to enable mandated reporters to recognize alternative explanations for what may appear at first blush to be signs of abuse or neglect. Dr. Levi gives the example of Mongolian spots. "If you don't know what one is," he says, "you'll be filing unfounded reports on a lot of dark-skinned people."

iLookout uses a video-based storyline with interactive, real-world scenarios that prepare mandated reporters to recognize what should (and should not) raise concern about child abuse. This online, evidence-based program provides experiential learning about signs and symptoms of child abuse and neglect, as well as risk factors, legal responsibilities, and how to make a report. And, importantly, it has been shown to significantly improve knowledge and change attitudes about child abuse and its reporting. This training has been very well received and can develop the critical thinking skills necessary to enable effective reporting, to protect children from abuse and neglect and from the harms of unfounded reports, without encouraging inappropriate investigation.

Moreover, this training is consistent with the approach DCF has already adopted. DCF's [Promising Approaches](#) guide to mandated reporters in domestic violence situations encourages the same sort of critical thinking, not investigation, which becomes all the more necessary in domestic violence situations, where inappropriate reporting can endanger the lives of those it is intended to protect. The Promising Approaches guide specifically encourages mandated reporters to assess the risk that filing with DCF can pose to the child(ren) and to "carefully review each family's situation and to consider thoughtfully whether or not to file a report with the Department of Children and Families." It cautions that not every circumstance involving domestic violence merits intervention by the child protection system, and that instead "[o]ften, the caretaker is overwhelmed by the complexity of home conditions, and is unable to take action. Filing in these circumstances, can inadvertently penalize the caretaker for a perceived inability to keep the children safe."

The Promising Approaches guide encourages mandated reporters to assess the child's current functioning and changes in the child's behavior and functioning as a result of the offender's action. It urges mandated reporters to assess a list of 13 potential risk factors and "to evaluate whether community services and support will strengthen the caretaker's resolve and ability to safeguard the child." DCF recognizes here that "[c]onnecting the family to social services, school, counseling services, faith

organizations, battered women’s programs or concerned family and/or friends may provide the support and encouragement needed to assist the victim and keep the children safe.” The guidance also wisely lists circumstances where the risk is so clear that a report is mandatory, and provides suggested approaches to working with the caretaker to ensure safety to the family when and after the report is made.

The Promising Approaches guide represents best child welfare practice. DCF is to be commended for writing and implementing it. However, the proposals and the reasoning the Commission is considering directly conflict with Promising Approaches in that they would foreclose any such efforts to ensure that reporting does not do more harm than good.³⁵

Although both the Post-Audit Committee and the Legislature in the establishing the Commission asked the Commission to make recommendations to establish a training curriculum, the Commission chose to address only the frequency of trainings, who should provide them and the extent of topic choice that should be available. We urge the Commission to take this opportunity to embrace a high-quality training skillfully designed to achieve the twin goals of recognizing real risk of abuse and neglect and avoiding the harms of reporting what is not abuse and neglect.

b. Use of Existing Community-based Resources Would Also Better Accomplish the Commission’s Goals

There are ways to accomplish the Commission’s goals—keeping children safe from harm generally and keeping youth athletes safe from sexual abuse specifically—in ways that do not subject children and their families to the devastating harm that accompanies unsubstantiated and inappropriate reports. Alternative steps that can be taken to improve children’s welfare and increase support to stressed families that do not involve DCF include:

- **CBHI- and CSA-Provided Services:** Mandated reporters can educate families about CBHI services and refer them to their local CSA to determine eligibility for home-and-community-based wraparound services, including in-home therapy, a family partner, and an intensive care coordinator (among many other services). Where families are already receiving these services, mandated

³⁵ Any suggestion that such careful assessment is permissible in domestic violence situations but not in cases involving poverty, a parent’s disability, or potential misunderstandings would be completely unwarranted. There is no principled reason that it would be appropriate for mandated reporters to engage in critical thinking and assessment in one context and not in others. Moreover, a failure to do so creates untold harms in many contexts, often outweighing whatever good may potentially be accomplished. Reporting on parents with disabilities without careful assessment may well run afoul of the Americans with Disabilities Act and, as described in section 3 above, all reporting done without careful assessment will result in increased disproportionate involvement of families of color in the child welfare system.

reporters can ask for consent to speak with wraparound providers to discuss their concerns and/or seek more information about the contextual factors impacting the family.

- **Family Resource Centers:** Mandated reporters can also refer families to DCF's Family Resource Centers (FRCs). The FRCs create a welcoming, family friendly environment where families can discuss challenges they are facing and receive help, including food and clothing, assistance with finding housing, parenting training, and referrals to state and community-based resources.
- **Evaluations:** For concerns related to education, children can be referred for a special education evaluation. If the child is determined to have a disability, additional services such as counseling can be provided for the child, and training and support can be provided to parents.

Particularly where there is not concern that a child is in imminent physical danger, taking these initial steps is better than increasing reports to DCF because they provide additional supports for children and families and do not unnecessarily stigmatize families, or increase the stress with which they may be contending.

Thank you for your consideration of this testimony. We would welcome the opportunity to discuss any of this information with you in further detail.

Sincerely,

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Casa Myrna

Central West Justice Center

Citizens for Juvenile Justice

Community Legal Aid

Disability Law Center

DOVE, Inc.

Federation for Children with Special Needs

Freitas and Freitas

Friends of Children

GLBTQ Legal Advocates & Defenders

Jane Doe Inc. (JDI)/MA Coalition Against Sexual and Domestic Violence

Justice Center of Southeast Massachusetts

Harvard Legal Aid Bureau

Lawyers for Civil Rights

Massachusetts Attorneys for Special Education Rights Coalition

Medical-Legal Partnership Boston

MetroWest Legal Services

National Lawyers' Guild - Massachusetts Chapter

Prisoners Legal Services

Safe Passages

The Second Step

Enclosure

SCHOOL INCIDENTS

Student Description	SPED status	District	Type of Involvement	Date of First Action	Incident Description
Black, male, age 14; low-income	On an IEP; Autism	Private SPED school	Filed a 51A		School filed 51a on family on the basis of the student's lunch balance not being paid (even though the family is eligible for free lunch); and fact that student told the teacher a story that his mom had told him about some families having no heat and having to turn on the stove to stay warm. They misinterpreted what he said and instead of clearing it up with the mom filed the 51A. The family lives in subsidized housing, which includes heat. A simple call would have cleared this up. This is a mostly Caucasian school and I feel family was targeted because it is a single-family household headed by a black woman.
Black, male, age 6	Being evaluated for IEP – ADHD; SLD	Sudbury	Threatened to call DCF		The student is a Metco student who the district was dragging their feet about properly evaluating and putting in place the supports he needed whether through an IEP plan or 504 plan. My sense is that they were hoping that the parent would withdraw him from the school and sign him back up in Boston. On a particular day in which he was struggling, they called his mother and told to her to come pick him up. She said that they should put him on the bus. They told her that they would call DCF if she didn't come and get him. She told them to go ahead. As it turns out DCF pushed back and told them that he could ride the bus.

Student Description	SPED status	District	Type of Involvement	Date of First Action	Incident Description
Black, female, age 9; low-income	On an IEP; SLD and emotional impairment	Boston	Filed multiple 51As		<p>The district had agreed that the school to which the child was assigned on paper could not support her needs. She was receiving tutoring at home while waiting for a new placement (By the way, the same thing had happened the prior year!) Since the left hand doesn't know what the right hand is doing, when she didn't show up at school as defined on paper, even though the district knew where she was, they filed a 51a with DCF. Since this family was already involved somewhat with DCF, this led to the family being pulled into court and the kids being taken.</p>

Student Description	SPED status	District	Type of Involvement	Date of First Action	Incident Description
Multi-racial; male, age 10; low-income	On an IEP; Developmental delay, Health, PTSD, possible emotional impairment	Tritown School Union (Middleton)	Filed multiple 51As		<p>I don't have as many details as would be helpful, but this is what I know. During these incidents a BSEA hearing was pending (another attorney in my office was representing her in that). The school had filed on the mom, because mom wanted her son to stay at the community public school and the school claimed that it could not adequately serve the student in the community school and that it was a safety issue having him in the school because he was consistently dysregulated. There were three 51As filed. The first one, Mom spent the night in the ER with her son who had been sectioned and then was released. Mom tried to bring son back to school the day after he was released from the hospital, and he was having a really hard time when they got to the school going into his classroom. A community police officer had offered to help her anytime her son was struggling so when her son would not go back to school, she went to the police station to see if the officer (who her son knew) might be able to talk with him. School filed a 51A related to her attempts at the school to get her son to calm down. About a week or two later, she again brought her son to the school, and he was struggling. She tried for a while to get him to stay and then she had to leave for a Dr.'s appointment, so she left him at school. School could not get her son to calm down and called an ambulance for him. Filed a 51A on mom, and mom says school said all sorts of things that were not true in the allegations. In addition, a police officer from the town filed a</p>

Student Description	SPED status	District	Type of Involvement	Date of First Action	Incident Description
White, female, age 16; Low-income	On a 504 plan for anxiety, depression and physical limitations	Norfolk County Agricultural HS	Filed Truancy CRA on a 16 yo and then a 51A		<p>Student had been struggling with attendance due to her medical and mental health issues. One of her teachers was supportive and encouraged her to attend a field trip and she was able, with that encouragement, attend the academic field trip. Staff and administrators were angered by this. At least one teacher spoke negatively about the student to the entire class, who in turn reported this to student through social media. That afternoon, parent left a hand-written note in the office for the 504 coordinator about the teacher. A meeting between the parents and admin about student's attendance was previously scheduled for December 6. A CRA for truancy was filed on December 4th; the day student was in attendance, in Boston with her class. Parents were not notified of the filing, even as we attended a meeting on the 6th. Parent got notice in the mail on Saturday, December 9. This caused student's already high anxiety to become even worse and she became afraid to go to school, and at the same time, afraid NOT to go to school. She had been in DCF custody in the past and did not want to go through that again. It turned out that CRAs are not permitted for students age 16 and up, and the court told this to the district, but they did not withdraw their petition. The admin did not go to the court hearing but student's court-appointed attorney said she should attend. Family bought her a court-appropriate outfit (\$\$) and went to court. Parent and student weren't just sent home based on her age. Rather they had to explain her complex</p>

Student Description	SPED status	District	Type of Involvement	Date of First Action	Incident Description
White female, age 12; low-income	On an IEP for SLD, Health and anxiety	Marlborough	Filed a 51A		<p>This is more about the inappropriate handling of the filing of the report although the report was also unwarranted. The mother has two children in the school: an older boy (14) who is severely autistic and a younger girl (12) who has the disabilities that I checked. They also have another brother not at the school. There is a pending BSEA hearing because mom believes that the autistic son needs more services, structure, and support than the public middle school can offer. Sister disclosed to her counselor at school that autistic brother "started a fire" at the house and that her other brother was beating up on her, and her mom does not do anything about it. The school is aware that the daughter often misunderstands situations, etc. It is very well-documented in her evaluations and IEP. The school called the mom to have an "emergency meeting." Mom said that she was unable to meet that day but could they schedule the meeting for next week. When mom arrived at the school to pick up her kids (as she does every day), the kids did not come out (as they do every day). All of the busses left and still no kids. She went into the school to get the kids and when she went into the front office to ask for her kids, the secretary said that she was supposed to call the school psychologist when she arrived. The school psychologist, team chair, assistant director of special education, and the son's teacher all came down the hall to meet her but neither of her children were with them. They wanted to meet. Mom told her that she could not meet. Assistant special</p>

Student Description	SPED status	District	Type of Involvement	Date of First Action	Incident Description
Black, male, age 5, low-income	On an IEP; Health, Emotional disability	Everett	Other – inappropriate contact with DCF social worker		<p>There was a contentious MDR in which the student's father expressed that he felt that the district's actions were racially motivated, particularly directing his frustration at the special education director. The family was already working with a DCF social worker. The special education director subsequently called the caseworker to express his concern regarding the student's father. The caseworker had previously been planning to close the case, but decided to leave it open. Subsequently the caseworker pushed for the student's mother to file a restraining order against the father, which neither he nor she fully understood. He subsequently violated it in an effort to see his children with their mother's permission and was subject to criminal proceedings and his immigration status was put in jeopardy. All of this negatively impacted the child who was very close to his father and very upset that he could not see him anymore.</p>

Student Description	SPED status	District	Type of Involvement	Date of First Action	Incident Description
Black female, age 8; low-income	On an IEP; Unknown disability	Everett	Filed a 51A		The district filed a 51A stating that the student was not getting enough sleep because her little brother, a five year old boy who was a former student at the school who had changed placements because the school was unable to appropriately support him, was not sleeping well and was keeping her up at night. They had also filed numerous 51A's against the family claiming that the student needed glasses even though the mother had gone to the eye doctor and provided the school with a note from the eye doctor stating that she did not need glasses. The family was already involved with DCF at the time so the information was passed on to the caseworker.
White, male, age 13; low-income	On an IEP; Communication, Health, autism	Worcester	Filed a 51A		Parent felt child's placement inappropriate and that District not complying with IEP. District offered another placement that parent reported District had previously felt was not appropriate for child. Parent reported District not willing to put plan in place or explore other options. Child was not doing well so parent stopped sending to placement. Parent submitted physician's home hospital form which District denied. Parent reported District filed 51A and DCF found no neglect. Parent enrolled child in online education program.

Student Description	SPED status	District	Type of Involvement	Date of First Action	Incident Description
White, male, age 17; low-income	On a 504 plan; Autism, Health	Worcester	Filed a 51A		Student was emergency removed from school for an alleged incident. Parent reported school administrator told parent obligated to file a 51A. District ultimately reported that did not have evidence to substantiate claim that led to student's removal. Even after this result, parent reported that District confirmed it had filed with DCF and parent would be hearing from DCF. Last communication I had with parent, parent had not (yet?) heard from DCF.
White, male, age 13; low-income	On an IEP, Disability unknown	North Attleboro	Filed a 51A		On Friday, November 2, School called Parent to let her know that Student was "out of it," possibly drunk. Student was also scratching his arm with a key. He was taken to the hospital. Blood and alcohol tests showed that Student was not under the influence of any substance. On Monday, Parent received a call from DCF. DCF stated the 51A was in reference to the event on Friday. DCF Worker stated she did not understand why the school would call this in. Parent was informed that the case would be screened out.
White, male, age 15; low-income	On an IEP; Health	Peabody	Threat to file a CRA		Student had difficult relationship with school director and staff, which led to student being targeted and continuously disciplines/ suspended. School threatened to file CRA due to the alleged disruptive behavior.

Student Description	SPED status	District	Type of Involvement	Date of First Action	Incident Description
Asian, male, age 11; low-income	On an IEP, Autism	Braintree	Filed a 51A		Client is Vietnamese and family does not speak English. The school never provided the nursing department or teachers access to interpreters to be able to communicate with parents. When they attempted communication, the teacher would use Google translate. One evening the child woke up with a fever and a cold. His mother "cupped him" (the ancient Vietnamese practice of placing warm cups on the body to soothe the sore muscles. The next day the teacher and the nurse saw the cup marks and called DCF for abuse, rather than attempting to allow mother to explain that they used established alternative medicine.

Student Description	SPED status	District	Type of Involvement	Date of First Action	Incident Description
Black, female, age 13; low-income	In process of being evaluated	East Boston	Filed a 51A		<p>Mother was at daughter's middle school basketball game which was being played at the school's high school campus. School administrators felt she was being disruptive because she was challenging referee's calls. After a discussion with her, they reported to DCF that our client was intoxicated and used inappropriate language. Their reports were inconsistent one with another's and did not allege child abuse or neglect. There was also evidence that the school already had a negative impression of this mother based on her having let the school know that she was the victim of Domestic Violence. Also, the school viewed her negatively because she had pushed for a 504 plan for her daughter, which the school had resisted. DCF did screen in the report and supported it. After we challenged the support decision in a DCF fair hearing, the area office reversed its support decision.</p>
White female, age 14; low-income	On a 504 Plan for ADHD	Marlborough	Filed a 51A		<p>The student has juvenile diabetes, and accidentally left her insulin at home. Both parents work, so were difficult to reach by the school nurse. Previously, the student had no issue with remembering to bring her insulin, so this was a single event.</p>

Student Description	SPED status	District	Type of Involvement	Date of First Action	Incident Description
Other race, female 15; low-income	On an IEP; Emotional disability – bipolar & depression	Framingham	Filed a Habitual Truant CRA		The case was eventually closed purely because the student turned 16, and was no longer subject to the attendance law. Prior to this, there was a risk of an out of home order being issued because the parent missed a juvenile court date because of work. Luckily, this was avoided. The student was experiencing school phobia for mental health reasons, which the district was aware of. In fact, her 504 plan from middle school specifically included accommodations to assist with attendance problems tied to her mental health. For example, tutoring would be provided, and extra time to make up assignments were listed accommodations. For some reason, the high-school took a punitive approach. Additionally, the family had requested core IEP testing prior to the start of the school year, but assessments were not completed because student was not going to school. However, the family specifically requested that evaluations be completed at neutral sites to accommodate student.

Student Description	SPED status	District	Type of Involvement	Date of First Action	Incident Description
White, female age 12; low-income	On an IEP; Emotional – ODD	Charter School	Filed a 51A		51A filed because student came to school tired, and told school staff that her mother had kept her up late, making her clean their kitchen. This is a student known to have ODD with documented manipulation of authority figures often presented as a manifestation of the ODD. According to the parent, a 51A was filed without allowing an explanation from the parent. It's noteworthy that this student had major behavioral problems both in and out of school, and the parent was known for being stubborn at team meetings. I think these impressions from the district likely impacted the decision whether to file the 51A.
Black, female, age 13; low-income	On an IEP; Emotional - ODD	Fall River	Filed a CRA – Habitual School Offender		The student had a history of acting out in class. We had gotten her evaluated for an IEP, and she was placed in a sub-separate classroom. Student had previously been arrested in school for refusing to obey instructions of SRO to go to class. Student would say very inappropriate things in class and be disruptive. Constant suspensions and calls to parent. Rather than deal with issue as a disability-related one, school filed CRA. I believe CRA was eventually dismissed. However, student ended up in alternative school (parent decided not to go forward with filing a BSEA complaint, so I ended my involvement).

Student Description	SPED status	District	Type of Involvement	Date of First Action	Incident Description
Black, female, age 14; low-income	On an IEP; SLD and PTSD	Brockton	Filed a CRA		<p>This is a student who had been insufficiently supported for years in this district with an unidentified reading disability as well as emotional disability. Instead she was placed in an alternative school for behavior. She was struggling in and out of the school when the district, facing a BSEA hearing, finally agreed to a therapeutic placement. When the first placement closed its doors, another was found, but the student was very anxious about going. We were working together with school and parent to come up with ways to overcome her phobia when out of the blue the school decided it needed to file a truancy CRA. Since the student was on probation for some other issues for community problems, being brought back in court was not a positive for her. Despite DCF not wanting to go forward with the CRA, the judge went forward on probation's say so, and also threatened to open a C&P against the parent. Student was placed in DYS facility for several weeks, further delaying her return to school. Ultimately CRA was closed, but this had much larger consequences for this student.</p>

Student Description	SPED status	District	Type of Involvement	Date of First Action	Incident Description
Black, male, age 5; low-income	On an IEP; Health & Social/Emotional Issues	Everett	Threatened to call DCF		Child was in kindergarten and had an IEP for behavioral/emotional issues. The school continually called Mom to pick him up early and more than once threatened to call DCF if she didn't do so. This was a family that was already DCF involved, and ironically, DCF was advising Mom to ignore the school and to assert his right to remain in school. I referred the case to EdLaw and they took it from there since all of this was beyond my expertise!
Black, male, age 7; low-income	On an IEP; Health & PTSD	Boston	Filed a 51A		Child was in kindergarten and had an IEP for behavioral/emotional issues. The school continually called Mom to pick him up early and more than once threatened to call DCF if she didn't do so. This was a family that was already DCF involved, and ironically, DCF was advising Mom to ignore the school and to assert his right to remain in school. I referred the case to EdLaw and they took it from there since all of this was beyond my expertise
Hispanic, female, age 15; low-income	On a IEP plan; PTSD	Boston	Filed failure to send in juvenile court.		<ul style="list-style-type: none"> School filed failure to send in juvenile court. Student was very traumatized after years of bullying and threats. Her therapists were working with the school district to get a safety transfer and she was supposed to get tutoring. They never provided the tutoring and instead filed.

Student Description	SPED status	District	Type of Involvement	Date of First Action	Incident Description
Black, male, age 15, low-income	On an IEP; SLD & trauma	Boston	Filed Truancy CRA		School has now filed two truancy CRAs and both have been dismissed at the preliminary hearing. Student has had some absences due to court and doctors appointments but did not miss the minimum number of days. Further, both the parent and myself had been working with the school on getting a new IEP. They did not put any formal truancy prevention measures in place before filing as required by the CRA law.
Black, male, age 5; low-income	On an IEP; PTSD	Boston	Threatened to call DCF		Child having behavioral issues at school and school could not de-escalate. They would call foster parent to pick up child or threaten to call crisis, DCF or 911. This happened at two different schools. DCF social worker for the child was fully in support of the foster parent and was frustrated at the school district.
Black, male, age 6		Boston	Filed 51A		Teacher filed 51A when client informed her that he had gone into his mother's bedroom in the middle of the night and found her having sex with her live-in boyfriend
Black, male, age 4		Boston	Filed 51A		Nurse filed 51 A when client told her that his mother had filled their whole apartment with water and they had to swim while they were asleep the prior night
Black, male, age 7	ADHD	Boston	Filed 51A		Teacher filed 51A when client fell asleep in class and told teacher it was because mom gave him a new pill (client takes ADHD medication that had been recently changed by his pediatrician)

Student Description	SPED status	District	Type of Involvement	Date of First Action	Incident Description
Black, age 15		Boston	Filed CRA		School filed CRA when child failed to attend school; district had expelled student
Black, age 11		Boston	Filed 51A		Principal filed 51A when parent told principal that if principal did not allow client to return to class, parent would tell client's attorney (principal said that this was a "threat")
Latinx, age 10		Boston	Filed 51A		School filed 51A when parent refused to pick up child early when school tried to unlawfully suspend child
Black, age 8		KIPP	Filed 51A		Teacher filed 51A when client told teacher that mom would not let client see dad (dad is currently incarcerated and client/mom/client's siblings have RO against dad)
Black, age 14		Boston	Filed 51A		Client was hospitalized after suicide attempt and homicidal ideation; packets sent out for residential school, but while waiting, hospital tried to discharge client and parent refused discharge; hospital filed 51A
Black, age 8		Boston	Filed 51A and CRA		Teacher told parent (in front of CBHI providers) that client should "not step foot in this school again," parent did not send client to school, principal filed 51A and CRA for failure to send to school
Latinx, age 11		Brooke	Filed 51A		District wanted to place client in substantially separate classroom; parent wanted inclusion. Pending hearing at BSEA but district filed 51A claiming educational neglect
Latinx, age 13		Boston	Filed 51A		Parent refused placement at McKinley, teacher filed 51A

Student Description	SPED status	District	Type of Involvement	Date of First Action	Incident Description
Black, age 8		Boston	Filed CRA		District suspended student for 10 days, filed CRA for truancy while student was suspended
Multiracial, age 7		Boston		Filed 51A	Teacher filed 51A when parent of client's classmate told teacher that she saw parent yelling at client when parent was picking up client from school
Black, age 9		Boston		Filed 51A	Principal sent client to hospital after client broke a bulletin board at school; parent was at work in Worcester and took approximately 90 minutes to get to hospital; school filed 51A because parent took too long to get to the hospital
Multiracial, female, age 4	PTSD	Boston		Filed 51A	School thinks client has ADHD (client's pediatrician has diagnosed her with PTSD, not ADHD) and thinks client should be medicated. Parent has consulted with pediatrician and declined to medicate – school filed 51A
Multiracial, age 7		Boston		Filed 51A	Parent had opened up client's medication to give to client, client accidentally knocked the bottle off the bathroom sink into the toilet. Parent called psychiatrist to get prescription refilled early. Same day, neighbor attacked mom and parent/client/sibling placed into DHCD scattered site shelter in Worcester. Took parent three days to get prescription transferred. Client returned to school, and school filed 51A because no meds
Multiracial, age 8		Boston		Filed 51A	Child was suspended off bus and parent had no other way to get child to school; school filed 51A

Student Description	SPED status	District	Type of Involvement	Date of First Action	Incident Description
Multiracial, age 6		UP Holland		Filed 51A	Parent filed 51A because of unlawful restraint by school staff on client; teacher filed clearly retaliatory 51A for alleged “educational neglect,” totally unclear why
Black, age 5		Boston		Filed 51A	School filed 51A because parent was taking child to grandmother’s 90 th birthday party and child was missing two days of school
Black, female, age 8		Boston		Filed 51A	Child refused to get on bus at the end of the day because a fellow student on her bus had been bullying her throughout the day. School called parent to come pick the child up but parent was out of town taking a different child to the other child’s father in Western MA. Child’s grandmother was at the house and was supposed to watch student for the night while mom was out of town, but grandmother can’t drive. School filed 51A.
Black, age 5		Boston		Filed 51A	Special education coordinator told parent that student should be seen by pediatrician for a psychiatric referral for ADHD. Parent refused ADHD meds; parent believes based on advice of therapist that child’s distractibility is PTSD-related, not ADHD-related. Special ed coordinator filed 51A saying parent was refusing to provide child with medication.

Student Description	SPED status	District	Type of Involvement	Date of First Action	Incident Description
Multiracial, age 14		Boston		Filed 51A and CRA	Child got into a fight at school with a classmate and felt scared to return to school. I was negotiating a new placement with the district and in the interim student is receiving home tutoring at local library. Student missed 10 days of school and Boston filed a 51A and CRA for truancy
Black, age 12		Boston		Filed 51A	Child lived with mom; there was a 209A against dad following abuse against mom and child. School had a copy of 209A. Dad called school and asked how child was doing in school, and teacher talked to him, apparently unaware of 209A. Dad called school and asked how child was doing in school, and teacher talked to him, apparently unaware of 209A. Later that week, teacher told mom that she had talked to dad and asked whether he was involved. Mom screamed at teacher that teacher was putting their lives in danger and that she was horrible at her job. School sent mom a “no trespass” letter, telling her that she could not return to the child’s school. Mom called the school and asked for confirmation that they had a 209A. Principal said that he would not discuss it with her and filed a 51A, saying that she displayed “erratic behavior.”

Student Description	SPED status	District	Type of Involvement	Date of First Action	Incident Description
Black, age 6		Boston		Filed 51A	Student became escalated at school and school wanted student to be evaluated by BEST. We were negotiating with the district through a BSEA cases, arguing for an out of district day school. Student had been evaluated by BEST three prior times that month and BEST had repeatedly found that student did not require CBAT level of care, but rather was escalated because of school environment. School filed 51A because parent declined to consent to BEST.
Latinx, age 9		Boston		Filed 51A	Student reported to mom that mom's partner had sexually assaulted student. Mom immediately moved with student's to grandmother's house. Student did not want to talk to police or anyone else. Student did agree to talk with therapist, and therapist advised mom to take student to the student's pediatrician. The next morning, mom spoke with school staff to explain what had happened. She had a good relationship with student's counselor at school, and mom cried as she relayed child's report. Mom further said that she "couldn't believe" this had happened. Counselor filed a 51A saying that parent was failing to protect child from partner, apparently taking her "couldn't believe" comment literally. (Ridiculous, seeing that mom had taken every step indicating she believed her child, e.g. taking to the doctor, calling therapist, etc.)
Multiracial, female, age 12		UP Dorchester		Filed 51A	Child brought pepper spray to school that she said her mother gave to her. School filed 51A.

Student Description	SPED status	District	Type of Involvement	Date of First Action	Incident Description
Multiracial, female, age 12	Autism; on an IEP; has in-home services	UP Dorchester		Filed 51A	Same child as previous statement. Child had told me that school staff kept asking her about her home life. Client lives with mom and sister, and all three of them are very close. Client has autism, has an IEP, and has in-home services. Client told me she did not mind sharing sometimes but did not like being asked questions about herself so often. I advised client that she did not have to answer questions and that it was okay to say she was uncomfortable. Next day, students were supposed to be writing paragraphs about their favorite birthday in ELA. Client instead wrote a story about someone else's birthday, and when asked by her ELA teacher why she didn't write about her own birthday, client said she did not like to talk about her home. School filed 51A alleging abuse.
Multiracial, male, age 6	PTSD; on an IEP	Boston		Filed 51A	Client has PTSD related to DV by his father. Mom had left abusive father about one year prior to this incident; family was in DV shelter. Family was aware of DV because of child's IEP and 209A. Child came to school one day cranky and reported to the nurse that his stomach hurt. Child told nurse that he was afraid of his dad and then said he was lying and wasn't afraid of his dad at all. Nurse filed 51A, inexplicably, against mom, apparently without realizing that mom had left dad a year prior.

Student Description	SPED status	District	Type of Involvement	Date of First Action	Incident Description
Multiracial, male, age 4		Boston		Filed 51A	Child told staff that he wanted “fifteen hundred” lunches because he didn’t get lunches at home. School filed 51A. (Family was low-income but typically had enough food – mom guesses child wanted more pizza. Reasonably so! Pizza is delicious!)
Multiracial, male, age 6		Boston		Filed 51A	Child told parent that he had been “dragged down a hallway” at school. Parent brought child to school the next day and asked to see the principal. Parent had taken pictures of a bruise on child’s arm. Parent showed principal the picture and told her about the child’s allegations. Principal filed 51A against parent, alleging parent had harmed child.
Multiracial, age 7		KIPP		Filed 51A	School called parent to pick up child at school following an escalation. Parent told them that on the advice of counsel she was not going to do that unless they were issuing a notice of emergency removal and suspension hearing. KIPP filed 51A.
Multiracial, age 7		KIPP		Filed 51A	Same child as above – happened twice. School called parent to pick up child at school following an escalation. Parent told them that on the advice of counsel she was not going to do that unless they were issuing a notice of emergency removal and suspension hearing. KIPP filed 51A.

Student Description	SPED status	District	Type of Involvement	Date of First Action	Incident Description
Latinx family, age 7	Autism; on an IEP	Lawrence		Filed 51A	In spring 2020 after schools closed due to the pandemic, student received inadequate special education services and experienced behavioral regression. Parent honestly shared with school district about behavioral challenges and LPS staff person filed a 51A. The case was screened in. Pro bono lawyer working with MAC became involved and the case was closed.
Latinx family, age 11	Autism; on an IEP	Lawrence		Filed 51A	In November 2020, school district filed a 51A because student was not attending remote learning, despite the fact that the parent informed the district he could not access due to his disability. On one occasion, parent did not pick up the packet due to a work commitment and the school district filed a 51A. Case was screen in by DCF for investigation. MAC became involved and DCF issued a determination of “unsupported” and closed the case.

Student Description	SPED status	District	Type of Involvement	Date of First Action	Incident Description
<p>White male, age 6 White female, age 10 Low-income</p>	<p>Both on IEPs; Autism; epilepsy</p>	<p>Haverhill</p>	<p>Threats to call truancy officer; School filed 51A (and called local police)</p>	<p>Filed 51A</p>	<p>School filed 51A on mother after her 6-year-old son who has Autism and epilepsy jumped over his 10-year-old sister who was on a school Zoom. The 6-year-old, who is often uncomfortable in his clothing due to his disability was not wearing any clothing. Both children have IEPs. School reported mother to DCF stating that an adult male had exposed himself on the call. DCF sent a social worker to investigate. The social worker closed the case, but the school additionally called the local police department, and an officer was sent to the home. Again, there was no action. This incident has had long lasting negative impacts on the children and family.</p>

Student Description	SPED status	District	Type of Involvement	Date of First Action	Incident Description
Age 13, female & Age 7 female mixed race, low-income, single parent	Tourette's/tic disorder and Generalized anxiety and has an IEP (13 y.o.); attention and behavioral challenges (7 y.o.)	Revere	School filed 51A	12/18/2020	Due to her anxiety, student has missed 275 days of school since kindergarten. During remote learning, she has been logging on most mornings but gets overwhelmed and then either turns off her camera or logs off. Based on her tic disorder, she is self-conscious about being on camera – and some of her teachers are requiring that the camera be on. When she gets overwhelmed, she tries to call her guidance counselor for a video call. The MGH health worker reports that in October, when mom went to the school for another reason – the social worker and assistant principal warned her that they were considering filing based on her trouble engaging in remote learning. The family/mom has been going through a lot (custody issues), but they did just get an In-Home Therapist in place for student and mom is also starting to access mental health support. School filed a 51A for neglect on student and her younger sister. Younger sister has attention and behavioral challenges that mom notified school of and also repeatedly requested that school help address those issues.

Student Description	SPED status	District	Type of Involvement	Date of First Action	Incident Description
Black, female, age 9, low-income	No IEP or 504, in eval process, Parent reported diagnoses: PTSD, ADHD, ADD, ODD, mood disorder, anxiety, disruptive mood disorder, dysregulation disorder	Pittsfield		Filed multiple 51As	This is a student with serious school-related anxiety and other mental health issues that manifest as school refusal. She is in the process of being evaluated for special education services. School has filed approximately three 51As in the past three years because of student's attendance issues. On days when student is absent, it's because she has meltdowns – crying, screaming, and refusing to go to school. Parent is afraid to bring student to school on those days because school has a history of isolating student in a “quiet room” for long periods of time when she exhibits refusal behavior in the classroom. This isolation in the quiet room triggers the student's anxiety and is traumatic for her. School is aware of the reason for student's absence's but has still filed these 51As, which has been extremely stressful for her family.

Student Description	SPED status	District	Type of Involvement	Date of First Action	Incident Description
Multi-racial female, age 12; low-income	On a 504 plan; in the process of an IEP evaluation; depression and anxiety	West Springfield		Filed multiple 51A reports; threatened student with filing a CRA	The school was aware that the student had a recent history of residential mental health treatment. The school also knew that the student had an ongoing relationship with a team of mental health providers, including a psychiatrist, therapist, and in-home caseworkers who were in regular contact with the student and parent. When the school year began in September 2020, the student experienced extreme anxiety about being on the video screen. Despite being aware of the student's mental health issues, the district marked the student absent if she didn't turn her video on during class. The student was overwhelmed by online learning and began to decompensate regularly. The parent requested an in-home tutor, but the district refused this. The school filed multiple 51A reports against the parent for educational neglect. A district employee also told the student that if she didn't participate in online learning on screen, the district might file a CRA against the student, and she would have to go to court and may be placed on probation. This threat was deeply traumatizing to the student and made her even less inclined to engage with the school.

Student Description	SPED status	District	Type of Involvement	Date of First Action	Incident Description
Multi-racial, male, age 13, low income	PTSD, depression, on an IEP	Beverly		Filed 51A	Student has a hard time leaving the house and this is worse due to COVID. Parent doing the best she can, but she cannot sit with her son all day, and he cannot do the work by himself. He frequently gets fatigued and frustrated with his mother. Student was accumulating unexcused absences because the school said he was not logging on. In preparation for a team meeting to discuss the student attendance issues, the family's internet was shut off for 2 days and the parent missed the IEP meeting, so the district reported her for educational neglect. VP and guidance called in the 51A.
White male, age 10, low-income	Severe Autism, on IEP	Wareham		Filed multiple 51As	The student hit his mother and pulled her hair in a Zoom session in front of the school. As a result, they have filed two 51As, possibly on the basis of a neglect allegation. The parent has another child. District may have also alleged she failed to protect her son from the brother with ASD.

Student Description	SPED status	District	Type of Involvement	Date of First Action	Incident Description
Black female, age 15, low-income	On IEP; ADHD, EF disorder; suspected NVLD, anxiety/depression	Wayland	School told mother her only option was to file 51A		Student struggled to access remote learning for several months (reported frustration with finding work in online system, feeling overwhelmed, and inability to get out of bed). School told student she must switch to in-person learning full-time as a result of her lack of remote learning attendance. Student struggled to adjust back to in-person learning. She failed to attend in-person several weeks in a row. School called mother without involving legal services attorney (despite attorney and mother's previous requests to include attorney on all communication and attorneys months of involvement in case). School told mother her best and only option was to file 51A to force attendance. Mother was prepared to do so until attorney learned of this suggestion and advised mother otherwise. Student was able to begin attending classes when offered options for slow ramp-up to full-time attendance and increased supports.
Male Hispanic/Cambodian/Puerto Rican, Age 16, low-income		Chicopee		51A filed	The Homeless Liaison for Chicopee High School filed a 51A because the student was logging in late and was at times absent. After meeting with the parent, DCF marked this issue as unsupported.

Student Description	SPED status	District	Type of Involvement	Date of First Action	Incident Description
Black male, Age 12, low-income	IEP, ADHD, Autism	Lynn		51A filed	The social worker at the school called DCF on the grandparents in retaliation for them second-guessing the school's IEP evaluations and insisting on an Independent Educational Evaluation. Grandmother informed the school Principal and the Social worker about the scheduled appointment and being on a waiting list. The school filed "neglect" charges when there was a 6-12 month long BCH waiting list for a neuropsych for her grandson. The complaint was screened out by DCF.
Black female, Age 16, low-income	No IEP, but student has been struggling to get work done	Boston		51A filed	51A filed due to student's inability to be consistent with online school. 11th grader not attending most of her classes via zoom. She does generally show up for a couple classes each week. The 16 yo does NOT have an IEP, but has previously had trouble getting schoolwork done, which was recognized by the school (via having her stay after school, when school was in session, to get her hw done).

Student Description	SPED status	District	Type of Involvement	Date of First Action	Incident Description
White male, age 6, low-income	IEP, ADHD, ODD, Conduct Disorder	Waltham		51A filed	Mom requested school provide full day educational services for her son in accordance with child psychiatrist and in-home behavioral therapist who recommended full-day in person learning. Student needs 1:1 engagement to increase social behavior. The school wants the parent to take her child to work and supervise remote learning there half the day, but it is too disruptive. LEA doesn't want to pay for alternative site at YMCA. After mom requested an IEP meeting to request additional services, the next day she heard from DCF.
Bi-racial male, age 8, low-income	IEP – Autism	Chelsea	School filed complaint in Juvenile Court – charge: Failure to Send Child to School	3/17/21	Student on the autism spectrum, in a sub separate classroom, who struggles with engaging in classroom learning. Doing ok with remote learning until about October/November and then things went downhill. Before the holidays the Mom met with his teachers and service provider to try to get him more engaged in online learning. The week before Feb. vacation, an attendance officer visited the home and told the student that he just had to log in every day or there would be a consequence like a 51A filing or a CRA. Mom told the officer that she was working with the school to do more to help her child engage in remote learning. The day before a scheduled meeting with the district, the mom received a notice of clerk-magistrate hearing in Suffolk Juvenile Court. The charge listed was “Failure to Send Child to School.”

Student Description	SPED status	District	Type of Involvement	Date of First Action	Incident Description
Black female, 16 years old, low-income	Not on an IEP, but struggling to get schoolwork done (recognized by the school)	Boston	51A filed for attendance issues		Family from Mattapan had a 51a filed on them for a 16-year-old, 11th grader not attending most of her classes via zoom. (She does generally show up for a couple classes each week). Boston Public Schools, Henderson Inclusion School. The student has had significant struggles getting schoolwork done, which was recognized by the school (via having her stay after school, when school was in session, to get her homework done).

Student Description	SPED status	District	Type of Involvement	Date of First Action	Incident Description
White, girl, 7, low-income	On an IEP; ASD, PTSD	Westfield	Filed a 51A		<p>A first-grade student with ASD had great difficulty attending during remote learning through a screen. She would regularly turn off her camera and refuse to participate. For this child, it was challenging that her mother was in a quasi-teacher role. The blurred boundaries between home and school confused this young student with ASD. The parent repeatedly asked the school for additional help and support. The school denied the parent's request to provide the child full-time in-person instruction. The school also denied her request that the district provide in-home school staff to help her remote learning. One day, the student became frustrated during remote learning and, as a result, became physically aggressive with her mother, which the school staff saw on camera. Instead of contacting the parent to determine how best to support the student, the school filed a 51A on the parent for allowing the daughter to be physically aggressive. DCF screened out the 51A report. The 51A filing did not articulate how the parent could be responsible for abuse and neglect based on the school's report.</p>

Student Description	SPED status	District	Type of Involvement	Date of First Action	Incident Description
Latinx, boy, 11, low-income	On a 504 Plan; ADHD, PTSD	Ludlow	Filed a 51A		Fourth grade student on a 504 Plan to address his ADHD. The student's PTSD diagnosis has not been addressed in his 504. As the student has tremendous anxiety about having his camera on during remote learning, he would regularly turn off the camera. The school began marking him absent and the school filed a 51A for truancy. The school also filed a 51A for truancy at a time when the student, his sibling, and mother were all diagnosed with and suffering from Covid-19. The school nurse was aware that the student had Covid-19 as the parent discussed the student's diagnosis and symptoms with the school nurse directly.

Student Description	SPED status	District	Type of Involvement	Date of First Action	Incident Description
Black, female, 8 years old, low-income	On IEP; autism Dx	Wayland (family lives in Boston; METCO student)	Filed 51A		During a Zoom class the student was in, the class was asked by the teacher to get a snack and come back to Zoom. The student said, "we don't have any food". The teacher asked the student to take her laptop to the refrigerator and open it up so she could see what was in there for food. The mom said her daughter uses the word "food" for snacks etc. So if there aren't any snacks that she likes (junk food), she will say there is no food. The student also told the teacher she was tired because she stays up at night because of baby brother. Mom has a newborn that cries a lot at night. Wayland filed a 51A for neglect and lack of food, ostensibly to get the family services for food.

Student Description	SPED status	District	Type of Involvement	Date of First Action	Incident Description
Latinx, 7-year-old boy, low-income	On IEP; autism Dx	Methuen	Filed 51A		51A filed for neglect, despite parent’s efforts to advance her son’s education while contending with his severe disability— particularly when viewed against the context of her balancing those obligations at the same time she was parenting a prematurely born newborn/infant in the midst of a historic pandemic. Any learning struggles that the student may have encountered during the pandemic were attributable to (1) the absence of remote instruction and services offered by the school that were accessible to student given his disability (2) the school’s failure to accommodate the student (and his mother) to address the barriers to accessing the appropriate technology required for said remote learning, and (3) language access barriers which, at times, prevented his mother from understanding and/or carrying out remote learning instructions required by the school district.

SHELTER INCIDENTS

Family Description	Mental Health or Disability Status	Shelter Location	Type of Action	Date of Action	Incident Description
Latinx family, low-income, single parent HH (mom only)		Central MA shelter	Shelter taking inappropriate action against family, at DCF's behest, DCF "deputizing" shelter staff.	Late 2018/ early 2019	Shelter workers were told by DCF to "keep an eye" on the three-year old child. Shelter staff performed a physical inspection of the child (including under his clothes) every hour and prohibited the family from leaving the shelter.
Latinx family, low-income, single-parent HH (mom only)		Central MA shelter	Excessive reporting by shelter to family's DCF worker	Late 2018/ early 2019	Shelter staff kept reporting things to the family's DCF worker. The DCF worker told our advocate this was unnecessary and she didn't need to hear about these things.
White, low-income, single parent HH (mom only)	Parent had untreated mental health issues that contributed to DCF action	Central MA shelter	Shelter filed 51A	Late 2018	Shelter staff filed a 51A and DCF investigation ensued. DCF found abuse and/or neglect and opened a case. The family never received any paperwork about the findings or why DCF opened a case, so it was difficult for her to appeal. (note: the child was eventually removed, possibly justifiably).
			DCF "deputizing" shelter staff to monitor family.		During a shelter file review it was discovered that a DCF investigator had asked the shelter to drug test the parent. Case notes showed communication between DCF investigator and shelter staff about what the DCF investigator wanted the shelter to do.
N/A		Central MA shelter	Frivolous and excessive 51A filings, in general		A parent reported that she was told by a DCF investigator that they don't investigate all reports by shelter staff because shelter staff file so many that are not substantiated.

Family Description	Mental Health or Disability Status	Shelter Location	Type of Action	Date of Action	Incident Description
Latinx family, low-income, 2-parent HH.		Springfield, MA	Shelter filing 51A against family. Shelter advocating with DCF that they assign a different DCF worker because shelter not happy with DCF workers.	2019	Shelter contacted DCF after the family asked shelter staff to replace some furniture and help the father get a driver's license. On another occasion, shelter staff suggested to DCF that there was domestic violence but the family's DCF worker pushed back. Shelter staff openly advocated for a more punitive DCF worker.