

Testimony to the Mandated Reporter Commission

Michael Gregory, Esq.
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Good afternoon. My name is Michael Gregory, and I am Managing Attorney at the Trauma and Learning Policy Initiative of Massachusetts Advocates for Children and Harvard Law School. Our mission is to ensure that all students, including those impacted by traumatic experiences, succeed at school. I provide representation in special education to families of students with some form of traumatic experience that is interfacing with the disabilities that qualify them for special education services from their school districts. Over the past 17 years, I have represented hundreds of families. My clients are parents facing financial hardship, and most of them are parents of color.

In addition to being an attorney, I am also a parent. My daughter just turned 5 years old the week before last. As those of you who are parents can appreciate, she is at that age where she wants to explore everything. A few weeks ago, the two of us were at the Roche Bros. in West Roxbury. I stopped the cart in the olive oil section and was studying all the different brands. After a minute or two, I glanced up and my daughter wasn't there. It was a busy day and the store was crowded. I looked up and down the aisle, and I couldn't see her. For any parent, you know immediately how I felt. I panicked. My heart started racing. I couldn't breathe. In that split second, every bad thing that could have happened to her raced through my mind. Did someone walk away with her? Is she safe? Where is she? All my mind could focus on in that moment was wanting to lay eyes on her or hear her voice. I ran down the aisle, walked around the end cap and – of course – there she was, taking boxes of cookies off the shelf. I bent down and hugged her tight to my chest. “Dad, why are you hugging me so tight?” she says. Five years old, and she's already clearly embarrassed to be seen hugging me in public. In the end, this was just a minor scare, but I would die a happy person if I never had to feel that feeling of panic again. And if you are a parent, I know you know the feeling.

For many of my clients, this same feeling of panic doesn't just happen for a few seconds in the grocery story. The fear that a government agency might take their child away is a daily fear for many of them. Many of my clients have been the subject of mandated reports – typically filed by schools – that with few exceptions have been either screened out or unsupported. But often they have to endure hours, days, weeks of uncertainty while an investigation is pending, not knowing whether someone might take their child away. For parents who are raising children with significant disabilities, who require substantial amounts of support – parents often with very limited means

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– lots of misunderstandings can occur and, sometimes, there are multiple reports. In these situations, the panic associated with losing one’s child—that feeling we have all felt in the grocery story—can become a part of daily life. It becomes a form of trauma in its own right, for the child as well as for the parent.

This trauma places a tremendous amount of stress on any family. I have seen firsthand how it can gnaw at the trust between parents and the professionals they work with and depend on. I have witnessed how it can harm the child’s ability to trust their teachers and counselors at school and can impede their educational progress. I have seen parents lose their jobs because of repeatedly missing work and because of the reputational costs of being the subject of unfounded mandated reports. And all of this can have a harmful impact on the parent-child relationship as well.

Screened out and unsubstantiated mandated reports are already the vast majority of reports in the Commonwealth each year. We know this. And my colleagues and I have shared with the Commission a chart with story after story of families we know where schools have filed inappropriate or unfounded reports. My grave concern is that the proposals being entertained by this Commission would make the daily fear so many of these families experience a reality for even more parents and children.

My question to each of you on the Commission is *why?* What exactly is the problem these proposals are designed to fix? I have yet to understand what the problem is that the Commission is trying to solve – beyond some inchoate assertion that children in Massachusetts are being harmed and not protected by our current mandated reporting system. Why do we assume this? On what evidence does this presumption rest? And are the proposals being considered precisely targeted to a defined problem? If not, then how can we justify subjecting more parents and more children to the trauma and disruption that unfounded mandated reports already cause?

The harms associated with unfounded mandated reports are real and they are substantial. If we don’t have a very clearly defined problem, backed by evidence, and if we haven’t precisely targeted our reforms to that problem – than we cannot justify increasing these harms. I ask each of you to think carefully about this, to remember the times you have felt panicked when separated from your own children, and to consult your conscience as you continue to deliberate and vote on these proposals. Thank you so much for your work and for listening today.