

**HOUSE . . . . . No. 190**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Kay Khan and David Henry Argosky LeBoeuf*

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act creating an electronic backpack for foster children’s educational records.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>1/19/2023</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>1/25/2023</i>
<i>Diana Dizoglio, State Auditor</i>	<i>State House - Room 230, Boston, MA 02133</i>	<i>1/20/2023</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>2/8/2023</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>	<i>2/8/2023</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>	<i>2/16/2023</i>
<i>Carol A. Doherty</i>	<i>3rd Bristol</i>	<i>2/20/2023</i>

**HOUSE . . . . . No. 190**

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By Representatives Khan of Newton and LeBoeuf of Worcester, a petition (accompanied by bill, House, No. 190) of Kay Khan, David Henry Argosky LeBoeuf and others for legislation to authorize the Department of Children and Families to establish an electronic repository of foster youths educational records. Children, Families and Persons with Disabilities.

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**The Commonwealth of Massachusetts**

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

An Act creating an electronic backpack for foster children’s educational records.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Chapter 71 of the General Laws, as appearing in the 2020 Official Edition,  
2 is hereby amended by inserting at the end thereof the following section:-

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

5 “Department”, shall mean the department of elementary and secondary education..

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

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

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

15 (c) The department shall create an electronic backpack for each foster child or youth. The  
16 department, in conjunction with the department of children and families, shall promulgate  
17 regulations on the format and function of the electronic backpack system. Each electronic  
18 backpack system shall contain, but is not limited to, the educational records of the foster child or  
19 youth, including the names and addresses of educational providers, the name and contact of the  
20 child's DCF case worker if applicable, the foster child or youth's grade-level performance,  
21 transcript, the foster child or youth's school attendance records, individual education plan if  
22 applicable, the name and contact information of the individual or individuals who are designated  
23 as the child's educational decision makers, the name of the legal guardian with signing rights to  
24 release the child from school, visit notes from the school nurse, guidance counselor, or other  
25 administrators, detailed notes on best interest determination meetings, if applicable, and any  
26 other educational information that the department requires. The department shall maintain the  
27 electronic backpack as part of the department's records for the foster child or youth as long as  
28 the foster child or youth remains in foster care.

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

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

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

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

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

37 (e) The department shall collaborate with the department of children and families to  
38 develop policies and procedures to ensure that the needs of foster child or youths are met in  
39 every school district.

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