

Diversity in State Government and Traditionally Marginalized Groups

Timeline

1. January 30, 2007: Governor Patrick signs Executive Order No. 478 “Order Regarding Non-Discrimination, Diversity, Equal Opportunity, and Affirmative Action” affirming Massachusetts’ commitment to equal opportunity in state government (B-45).
2. June 18, 2007: Governor Patrick signs Executive Order No. 486 “Establishing the Governor’s Council to Address Sexual and Domestic Violence” (A-2, B-50).
3. November 13, 2007: Governor Patrick signs “An Act Relative to Public Safety at Reproductive Health Care Facilities,” establishing a fixed 35-foot foot buffer zone around the entrances and driveways of all reproductive health facilities (A-10, B-81).
4. December 20, 2007: Governor Patrick signs Executive Order No. 494 “Establishing the Office of the Child Advocate” (A-13, B-55).
5. February 9, 2010: Governor Patrick signs “An Act Relative to Harassment Prevention Orders” providing stronger protections for victims of sexual abuse and intimidation (B-62).
6. April 13, 2010: Governor Patrick signs “An Act Relative to Assault and Battery By Means of a Bodily Substance Upon Correctional Facility Employees and Expanding the Prohibition on the Dissemination of Obscenity” including instant and text messages, email and other electronic communications in the existing law that prohibits sending obscene and harmful material to minors (A-29, B-69).
7. May 3, 2010: Governor Patrick signs “An Act Relative to Bullying in Schools” to improve the way students and adults report and address issues related to bullying (A-30, B-71).
8. July 31, 2010: Governor Patrick signs “An Act Relative to the Preparation of Certain Bilingual Ballots in the City of Boston” requiring the city of Boston to prepare ballots in Chinese and Vietnamese for all federal, state and local elections (A-33, B-100).
9. August 4, 2010: Governor Patrick signs “An Act Eliminating the Word ‘Retardation’ from the General Laws” to promote respect for people with developmental disabilities (A-34, B-102).
10. December 20, 2010: Governor Patrick swears in Roderick L. Ireland as Chief Justice of the Massachusetts Supreme Judicial Court (A-43).
11. December 21, 2010: Governor Patrick nominates Fernande R.V. (“Nan”) Duffly to serve as an Associate Justice of the Massachusetts Supreme Judicial Court (A-45).
12. April 4, 2011: Governor Patrick nominates Barbara A. Lenk to serve as an Associate Justice of the Massachusetts Supreme Judicial Court (A-46).
13. November 21, 2011: Governor Patrick signs “An Act Relative to the Commercial Exploitation of People,” strengthening protections for victims of human trafficking and prostitution, and increases the punishment for offenders (A-50, B-82).

14. November 23, 2011: Governor Patrick signs “An Act Relative to Gender Identity,” which legally protects transgender individuals from discrimination in housing, education, employment and credit (A-54, B-98).

Results

Executive Order No. 478 “Order Regarding Non-Discrimination, Diversity, Equal Opportunity, and Affirmative Action” (2007, B-45)¹

- Establishes non-discrimination, diversity, and equal opportunity as the policy of the Executive Branch of Massachusetts in all aspects of state employment, programs, services, activities and decisions.
- Establishes that all state agencies shall develop and implement affirmative action and diversity plans, setting up specific goals and timetables for achievement. Each plan will be updated, at a minimum, every two years.

Executive Order No. 486 “Establishing the Governor’s Council to Address Sexual and Domestic Violence” (2007, B-50)²

- Establishes the Governor’s Council to Address Sexual and Domestic Violence that, as its first order of business, shall devise a guide for Massachusetts’ law enforcement agencies to consult when responding to a report of an adult sexual assault and revise and update the Massachusetts Policy for Law Enforcement Response to Domestic Violence.
- Additionally the Council shall:
 - Consider the need for further legislation to protect victims, punish and treat perpetrators, and reduce and prevent the incidence of sexual and domestic violence.
 - Evaluate the response of law enforcement, judicial and health and human service systems to the needs of sexual and domestic violence victims.
 - Consider measures to prevent and reduce the incidence of sexual and domestic violence through public education and awareness of sexual and domestic violence as criminal acts.
 - Consider other measures to address sexual and domestic violence, and child sexual abuse, and develop and submit to the Governor an annual report of the Council’s findings and recommendations.

“An Act Relative to Public Safety at Reproductive Health Care Facilities” (2007, B-81)³

- Establishes a fixed 35-foot buffer zone around the entrances and driveways of all reproductive health facilities in Massachusetts.

¹ “Executive Order No. 478 ‘Order Regarding Non-Discrimination, Diversity, Equal Opportunity, and Affirmative Action’” (B-46).

² “Executive Order No. 486 ‘Establishing the Governor’s Council to Address Sexual and Domestic Violence’” (B-51 & B-52).

³ “Governor Patrick Signs Buffer Zone Bill” (A-10).

Executive Order No. 494 “Establishing the Office of the Child Advocate” (2007, B-55)⁴

- Establishes the Office of the Child Advocate.
- The office will:
 - Seek to ensure that children involved with agencies within the Executive Office of Health and Human Services (Executive Office) and, in particular, children served by the child welfare or juvenile justice systems receive timely, safe and effective services.
 - Examine, on a system-wide basis, the care and services that agencies of the Executive Office provide to and for children.
 - Advise those at the highest levels of state government how the Commonwealth can improve its services to and for children.
- The Child Advocate shall report annually to the Governor, to other top members of state government, and to the public.

“An Act Relative to Harassment Prevention Orders” (2010, B-62)⁵

- Allows victims, regardless of relationship, to obtain civil restraining orders that are criminally enforceable, changing the old definition of harassment that had been an impediment for some victims of stalking and sexual assault.

“An Act Relative to Assault and Battery By Means of a Bodily Substance Upon Correctional Facility Employees and Expanding the Prohibition on the Dissemination of Obscenity” (2010, B-69)⁶

- Closes a loophole in the current statutory scheme by adding instant and text messages, email and other electronic communications to an existing law that prohibits sending obscene and harmful materials to minors.

“An Act Relative to Bullying in Schools” (2010, B-71)⁷

- Requires each Massachusetts school to develop a bullying prevention and intervention plan that must, among other things:
 - Include descriptions of and statements prohibiting bullying and retaliation;
 - Establish procedures for reporting bullying and retaliation;
 - Allow reports of bullying and retaliation to be made anonymously;
 - Establish procedures for promptly responding to and investigating reports of bullying and retaliation;
 - Establish procedures for restoring a sense of safety to the victim; and
 - Establish procedures for promptly notifying the parents of both the city and the perpetrator of the allegedly bullying conduct.
- Each plan must be updated every two years and be filed with the Massachusetts Department of Elementary and Secondary Education.

⁴ “Executive Order No. 494 ‘Establishing the Office of the Child Advocate’” (B-56).

⁵ “Governor Patrick Signs Law to Strengthen Protections for Victims of Harassment” (A-25).

⁶ “Governor Patrick Signs Bill to Strengthen Child Protection Laws” (A-29).

⁷ “Far-reaching Anti-bullying Law Enacted In Massachusetts,” Sara Goldsmith Schwartz. Schwartz Hannum PC. (C-2-C-4).

- Each school must provide written notice of its plan to all students, parents and employees; provide annual training on the plan to its faculty, staff and administration; and include relevant sections of the plan in its employee handbook.
- The prohibition of bullying encompasses not just the premises of the school but also school-sponsored and school related activities, functions and programs; school bus stops; school buses and other vehicles owned, leased or used by the school; and school computers and other technologies. Additionally, bullying at a non-school related location or function or via technology that is not school leased, owned, or used is also banned if the bullying produces a hostile environment for the victim while she/he is at school.
- Amends the criminal statute regarding Stalking and Criminal Harassment to include acts or threats made via instant and text messaging.
- Amends the criminal statute regarding Annoying Telephone Calls to cover harassing or annoying behavior made via electronic communications.
- Establishes a seven-member commission for the purposes of making an investigation and study relative to bullying and cyber-bullying. The commission is charged with determining whether additional criminal laws should be amended to address bullying.

*“An Act Relative to the Preparation of Certain Bilingual Ballots in the City of Boston” (2010, B-100)*⁸

- Requires the City of Boston to prepare ballots in Chinese and Vietnamese for all federal, state and local elections. Additionally, the measure calls for Chinese ballots to be transliterated by the Boston Board of Election Commissioners to include Chinese characters that represent the phonetic equivalent of the syllables in an English name.

*“An Act Eliminating the Word ‘Retardation’ from the General Laws” (2010, B-102)*⁹

- Replaces the words “mental retardation” with “intellectual disabilities or disability” in the Massachusetts General Laws.

*“An Act Relative to the Commercial Exploitation of People” (2011, B-82)*¹⁰

- Establishes the state crime of human trafficking for sexual servitude. This offense is punishable by a mandatory-minimum term of five years, with a potential maximum sentence of up to 20 years, and a fine of up to \$25,000.
 - Additionally, human trafficking for sexual servitude involving a victim under 18 carries a potential maximum sentence of life in prison.
 - A business entity convicted of human trafficking for sexual servitude may be fined up to \$1 million.

⁸ “Governor Patrick Signs Ballot Translation Bill” (A-33).

⁹ “Governor Patrick Signs Legislation to Promote Respect for People with Developmental Disabilities” (A-34).

¹⁰ “Governor Patrick Signs Anti-Human Trafficking Legislation” (A-50).

- Establishes the enticement of a child to engage in prostitution, human trafficking or commercial sexual activity by electronic communication a crime punishable by up to five years in state prison or a fine of \$2,500, or both. A second or subsequent offense is subject to a mandatory five-year sentence and a fine of not less than \$10,000.
- Requires the Department of Children and Families (DCF) to provide comprehensive services to all victims of child sexual exploitation, including state-funded social and legal services. The law also requires the DCF to provide an advocate who would accompany a sexually exploited child to all court appearances.
- Creates a Victims of Human Trafficking Trust fund, funded from assets seized and forfeited from the crimes established under the bill, and allows the DCF to apply to the victim and witness assistance board for grants from the Trust Fund to provide services to the victims.
- Establishes that the recruiting, enticing, harboring, transporting, delivering or obtaining by any means another person with the intent to have an organ or body part removed for sale or benefiting from organ trafficking is punishable by up to 15 years in state prison or a fine of \$50,000, or both.
 - Organ trafficking involving a child under 18 is punishable by a mandatory sentence of five years.
- Creates a 19-member, interagency task force, chaired by the Attorney General, to address all aspects of human trafficking, including sex and labor trafficking.

*“An Act Relative to Gender Identity” (2011, B-98)*¹¹

- Establishes the legal protection of transgender individuals from discrimination in housing, education, employment and credit as well as provides additional civil rights and protections from hate crimes.

Diversity Statistics

- Demographic breakdown of boards and commissions appointments since June 2007:¹²
 - Men – 2118
 - Women – 1438
 - White – 2857
 - Black – 314
 - Asian – 145
 - Latino – 179
 - Native American – 7
- Since 2007, there has been a 10 percent increase in women and a 57 percent increase in people of color in managerial positions in the Executive Branch. Additionally, there has been a 25 percent increase in women and a 207 percent increase in people of color serving as senior managers within state government during that

¹¹ “Governor Patrick Signs Transgender Equal Rights Bill” (A-54).

¹² “FW: Boards and Commissions – Breakdown” (B-61).

time.¹³

- Since Governor Patrick took office, state businesses owned by traditionally marginalized groups have increased by over 40 percent overall; 16 percent for businesses owned by people of color and 51 percent for businesses owned by women.¹⁴

¹³ “Governor Patrick Is Recognized for Growing Diversity in State Government” (A-76).

¹⁴ Ibid.

Appendix A: Press Releases and Speeches

Governor Patrick Re-establishes Council to Address Sexual Assault and Domestic Violence

Names New Executive Director to Lead Revamped Council

BOSTON - June 18, 2007 -- Governor Deval L. Patrick today announced the recent filing of an executive order re-establishing the Governor's Council to Address Sexual Assault and Domestic Violence. The executive order restructures the Council and calls for specific projects to help the Council focus its work. Governor Patrick also announced the appointment of Sheridan Haines to lead the Council. Ms. Haines currently serves as Deputy Director at Jane Doe, Inc., a social service and advocacy organization that protects victims of sexual assault and domestic violence.

"I have seen first-hand, at different times in my life, the ways that violence, abuse, and crime can destabilize the lives of individuals, families and communities," Governor Patrick said. "It is vital that victims of sexual and domestic violence receive the protection and care they need. I am pleased to have Sheridan Haines, with her leadership and experience in assisting victims, on board to head our efforts."

Ms Haines added, "I am deeply honored to be invited to serve Governor Patrick in this capacity. To have the opportunity bring the voices of sexual and domestic violence survivors to the State House, and to work across disciplines, secretariats and departments to accomplish targeted results for victims and survivors across the Commonwealth is indeed an exciting new endeavor for me."

In addition to streamlining the structure of the council from over 300 members to 30, the executive order filed by the Governor requires the council to produce a guide for Massachusetts law enforcement agencies to consult when responding to an adult sexual assault. It also requires the council to revise and update the Massachusetts Policy for Law Enforcement Response to Domestic Violence (which was last updated in 2002).

The Council will also consider the need for further legislation to protect victims, punish and treat perpetrators, and reduce and prevent incidence of sexual and domestic violence. Members will continuously evaluate the response of law enforcement, judicial and health and human service systems to the needs of victims and consider measures to reduce incidents of assault through education and awareness. In addition, the Council will consider measures to better enable victims to transition from violent relationships to violence-free lives.

The Council will be chaired by Lieutenant Governor Timothy Murray and will consist of up to 30 members appointed by the Governor. The Council will submit an annual report to the Governor with its findings and recommendations.

Ms. Haines has worked for Jane Doe, Inc. for the last 6 years, the last 5 as Deputy Director. Prior to her work at Jane Doe, Ms. Haines was the executive director of the Samaritans of Boston, a non-profit suicide prevention center. She also worked 8 years as a program planner for the Elizabeth Stone House, located in Jamaica Plain, MA, where she was responsible for the management and direction of non-profit

alternative mental health program for women in recovery from emotional distress, domestic violence and chemical addiction. She is a resident of Jamaica Plain, MA.

GOVERNOR PATRICK NOMINATES ACCLAIMED TRIAL JUDGE MARGOT BOTSFORD TO THE STATE'S HIGHEST COURT

GOVERNOR PATRICK NOMINATES ACCLAIMED TRIAL JUDGE MARGOT BOTSFORD TO THE STATE'S HIGHEST COURT

BOSTON - Thursday, July 26, 2007 - Governor Deval Patrick announced today that he has nominated Superior Court Judge Margot Botsford, 60, to the Supreme Judicial Court.

Botsford, a highly regarded 18-year veteran of the Superior Court, most recently received notice for her meticulous and scholarly work in the school finance case, *Hancock v. Driscoll*. She is being nominated to fill the vacancy created by the death of Justice Martha B. Sosman in March.

"Judge Botsford's brilliance as a jurist on the Superior Court and as a prosecutor and a litigator of civil matters, combined with her deep empathy for people, make her an ideal choice to serve on the SJC," said Governor Patrick. "The SJC is the oldest appellate court in continuous existence in the Western Hemisphere, with a long tradition of excellence. Judge Botsford ably upholds that tradition."

A Jamaica Plain resident and graduate of Northeastern University School of Law and Harvard University's John F. Kennedy School of Government, Judge Botsford's legal career spans 30 years of public and private service. Following a clerkship for SJC Justice Francis J. Quirico, Judge Botsford worked one year at the former Boston law firm, Hill & Barlow. She left to serve as an Assistant Attorney General for four years and returned to private practice when she formed the law firm of Rosenfeld, Botsford & Krokidas. Later, Judge Botsford worked as a prosecutor in the Middlesex County District Attorney's Office for six years before Governor Dukakis appointed her to the bench in 1989.

She chaired the Massachusetts Commission on Judicial Conduct for three years and was a member of the SJC Committee to Study the Code of Judicial Conduct. She serves as chair of the Superior Court's committee on mentoring and training new judges.

Margot Botsford and her husband Stephen Rosenfeld have four children. Judge Botsford is a Trustee of Northeastern University.

Governor Patrick praised the Judicial Nominating Commission, chaired by Lisa C. Goodheart, for its deliberate, thorough and thoughtful consideration of a field of highly qualified candidates. He also thanked the Joint Bar Committee for its participation in the process and endorsement of his nominee.

The Governor has submitted the nomination today to the Governor's Council and asked for their prompt and favorable consideration.

GOVERNOR PATRICK TAPS JOSEPH C. CARTER TO LEAD MASSACHUSETTS NATIONAL GUARD

GOVERNOR PATRICK TAPS JOSEPH C. CARTER TO LEAD MASSACHUSETTS NATIONAL GUARD

BOSTON-Wednesday, August 15, 2007-Governor Deval Patrick today announced the selection of Brigadier General Joseph C. Carter as the next Adjutant General (TAG) of the Massachusetts National Guard.

General Carter, who currently serves as an Assistant Adjutant General of the Guard and Chief of the MBTA's Transit Police Department, will assume command of the Massachusetts National Guard on September 21, 2007. With his appointment to the position of TAG, General Carter will become the first African-American appointed to the post in the Massachusetts National Guard's 370-year history.

"I am pleased that Brigadier General Carter has agreed to continue his service to the Commonwealth as The Adjutant General of the Massachusetts National Guard," Governor Patrick said. "The people of Massachusetts stand to benefit greatly from General Carter's vast experience as a soldier, a police officer, a manager and a public safety leader. I am confident he will follow the tremendous leadership example set by outgoing Adjutant General Oliver Mason."

As TAG, General Carter will serve as the Governor's senior military advisor and will command the Massachusetts National Guard, which has more than 6,000 army and air guard soldiers. While the primary mission of the Massachusetts National Guard is to protect the citizens of the Commonwealth in times of natural disaster and civil emergency, the Guard also supports the Department of Defense in federal military missions.

Currently, more than 1658 members of the Massachusetts National Guard are deployed overseas in Iraq, Afghanistan, Kosovo and other areas.

"It is an honor to be given the opportunity to serve as The Adjutant General of the Massachusetts National Guard and I look forward to the responsibilities and challenges that the position will bring," said General Carter. "The Massachusetts National Guard is one of the oldest military institutions in our country and to this day serves a critical role in maintaining the safety and security of the citizens of the Commonwealth. I will do everything in my power to ensure that our National Guard maintains its long-standing tradition of excellence while constantly searching for ways to improve."

Since 2003, General Carter has served as Chief of Police of the Massachusetts Bay Transportation Authority (MBTA) Transit Police Department. In that position, General Carter directly supervised 276 sworn personnel responsible for public safety of the Authority's public transportation network within 175 cities and towns. He also currently serves as elected President of the 21,000 member International Association of Chiefs of Police, the nation's largest professional organization of police executives. Preceding his appointment to the MBTA, he served for nearly five years as Chief of the Oak Bluffs Police Department on Martha's Vineyard. Before that, he was a member of the Boston Police Department for 20

years, starting as a patrol officer in 1978 and achieving the ranks of Chief Administrative Hearing Officer, Chief of Staff, and Superintendent.

General Carter entered the Massachusetts Army National Guard and the U.S. Army Reserves in January 1974 and rose to the rank of Staff Sergeant prior to receiving his commission as a second Lieutenant at the Massachusetts Military Academy in 1979. During his military career, he has served in several key positions including: J-5 (Strategic Plans & International Affairs); Division Chief of Intelligence and Security (I & S); Assistant/Acting Division Chief I & S; Military Intelligence Officer; Tactical Surveillance Officer; MP Battalion S-4; MP Company Commander; MP Platoon Leader; Infantry Detachment Commander; and Infantry Platoon Leader. General Carter was promoted to Brigadier General in 2006.

General Carter graduated from the US Army War College in 2002 with a Master of Strategic Studies degree. He also holds a Bachelors degree in organizational behavior and management from Lesley College and a Master of Arts in Criminal Justice Administration from Atlanta University.

General Carter is a member of the U.S. Department of Justice's Anti-Terrorism and Joint-Terrorism Task Force, a life member of the First Corps of Cadets and a life member of the NAACP in addition to a number of other civic and military organizations.

10.1.07 - Zero-Tolerance Domestic Abuse Policy Announced

Governor Deval L. Patrick

Zero-Tolerance Domestic Abuse Policy Announced

October 1, 2007

As Delivered

Thank you all for waiting, we had a rich conversation in the other room and I know that Diane and I, neither of us were quite ready to have it end. But let me first acknowledge Secretary Burke who is here, Secretary Bigby is here. Chairman Michael Costello has joined us as well. Under Secretary Mary Elizabeth Heffernan is here, where are you Mary? There you are, ok. Deputy Chief of Staff for Policy and Legislative Affairs Layla Demilia Shepherd is here as well, than you for being here. Sheredan Haynes the Executive Director of my own council to address domestic and sexual violence, thank you Sheredan for being here. And Mary Lauvy, the extraordinary Director of the Jane Doe. And a whole host of others who have given us a rich insight into a crisis.

There were 39 domestic violence deaths in the first nine months of this year. Just this summer, three in Brockton, leaving five motherless children. A grandmother in Everett. A mother in Norton, who was herself killed, her two daughters were wounded and miraculously survived, and then the perpetrator took his own life in front of a commuter train. Death is the most extreme result of sexual and domestic violence, but there are lots and lots of serious injuries and then the psychological impact on children, on neighbors, on communities, on those commuters on that train, who see those tragedies played out and that horror played out in front of them. Diane and I are here to bear witness to this tragedy and to ask all that are here to join us in bearing witness to these tragedies and to look for new strategies. Stronger, more effective strategies to bring this kind of thing to an end.

I want to thank all of the first-responders and the service providers, many of whom are represented here, who have so ably and so wisely, with, I've heard about it, insufficient resource, met this challenge in communities all over the Commonwealth. And we have, in order to call attention to them, and most especially to the victims, and maybe even more so to the strategies that can work to prevent these kind of tragedies, declare this month domestic violence awareness month, and we will work hard with those here and those represented here, to strike out on new strategies that can bring better results for the commonwealth. The department of justice has provided a grant of \$1.3 million for the Executive Office of Public Safety, the Municipal Police Training Committee and Jane Doe Inc., to collaborate on training Massachusetts police officers to respond to and prevent incidents of domestic violence. The Department

of Public Health has received funding to support the Massachusetts Rural Domestic and Sexual Violence Project, enhancing our ability to provide services to kids and families in further flung communities and to organize and implement violence prevention initiatives in the Commonwealth. The Department of Social Services is dedicating a portion of the fiscal year domestic violence expansion funds, to support strategies that most effectively reach women and men at imminent risk of serious harm, including homicide. DSS will also provide a half million dollars to the emergency housing stabilization fund for quick flexible cash assistance to prevent families from becoming homeless due to domestic violence or danger. We want to encourage communities to explore new ways of addressing domestic violence situations.

How do we reach out to victims of these crimes? How can we all take responsibility as family, friends, neighbors, members of community that see our stake in each other, to play a role and together develop solutions to domestic violence? How do we talk to children about this crisis, about what they see, about how it hurts them and about how they can get the help and the healing that they need. And how can we come together as a community to hold offenders accountable for this violence.

In Dorchester, through an innovative program called "Close to Home," neighbors are talking to neighbors about domestic violence and the toll it takes. Organizers are creating a community-based network of prevention and intervention designed by that community to foster neighborhood-wide responsibility to prevent and reduce the impact of domestic violence. In Newburyport, the Jeanne-Geiger Crisis Center has worked with the police, the courts and other partners to form a nationally recognized high risk response team, that is demonstrating significant results. It was born of a tragedy, described to us today. The death of Dorothy Guinta-Cotter's resulted the community coming together to examine what went wrong, what could be more effectively to intervene in potentially lethal situations and to save lives. There was a chilling account of the emergency response tape, the 9-1-1 tape, I think it was, that is now used in training of police officers to sensitize those first responders to what is actually happening.

This is not an academic issue. It's not some theory. It's people in horrible crisis, sometime at risk of and sometimes in fact, losing their lives. This team in Newburyport has been in place over two years now and is showing tremendous promise as the best practice.

Today, I'm directing the Lieutenant Governor, Secretary Burke and Secretary Bigby, working with the Sexual and Domestic Violence Council, which Sheridan Haines leads, to explore the Newburyport high risk protocol and the "Close to Home" approach to domestic violence as a public, civic issue, and as a first task of the new council to deliver to me a set of best practice recommendations, addressing both the public health and public safety aspects of domestic violence so we can implement and scale-up across the commonwealth, programs we know work.

To close, I want to point out that there are services available right now. If you are a victim of domestic violence or a family member or a friend, and if you don't mind, I'm going to ask the media outlets to help us get this word out, please know that there are free, confidential services available to you, 24 hours per day, seven days a week, every day of the year. Call the state-wide domestic hotline, SafeLink it's called, at 1-877-785-2020. Let me repeat. SafeLink can be reached at 1-877-785-2020. Or go to Janedoe.org to locate the domestic violence program nearest to you, and I thank the media in advance for letting us use you to help get this word out.

GOVERNOR PATRICK SIGNS BUFFER ZONE BILL

Increases safety of women seeking reproductive health services

BOSTON - Tuesday, November 13, 2007 -- Governor Deval Patrick today signed into law a bill expanding the protected area around reproductive health facilities in Massachusetts.

The legislation, supported by Senate President Therese Murray and Speaker of the House Salvatore DiMasi, establishes a fixed 35-foot buffer zone around the entrances and driveways of all reproductive health facilities in Massachusetts.

"Women in the Commonwealth have the right to obtain medical care free from violence, harassment or intimidation and this new law will guard that right," said Governor Patrick. "By widening the buffer zone around reproductive clinics we will protect patients from the harassment that so many have encountered as they seek care."

The prior buffer zone law, enacted in 2000, established a 6-foot "bubble zone" within an 18-foot buffer zone outside of reproductive health care facilities. A person could not knowingly approach another person within the 6-foot bubble zone unless he obtained that person's consent. That law had been difficult to enforce, however, because it was unclear how to prove that a patient did or did not give consent to a protester. Although violations of the law were reported to be frequent, there had not been a successful prosecution under the law since its enactment.

The new law attempts to remedy the problem by establishing a fixed 35-foot buffer zone around the entrances and driveways of all of the reproductive health facilities in the state, thereby ensuring safe access, without interfering with the ability of protestors to express themselves outside of the protected area.

"Patients have the right to seek medical care; health professionals have the right to assist their patients; and they both have the right to pursue care without being harassed, humiliated or threatened," Senate President Murray (D-Plymouth) said. "The new, improved Buffer Zone law is enforceable, common-sense legislation to protect the rights and well-being of women and their health care providers."

"Women seeking health services and the people who provide them should be free to do so without fear of assault, harassment or intimidation," said Speaker DiMasi (D-Boston). "This expanded buffer zone provides much-needed improvements to public safety and I commend everyone who worked so hard to see this bill become law."

"The Legislature's and Governor's quick work in passing the Buffer Zone Legislation addresses an important public safety issue," said Attorney General Martha Coakley. "Over the years, reproductive health care facilities have been the scene of mass demonstrations, congestion, blockades, and disturbances. This legislation will help to ensure greater safety on our public ways and sidewalks and

prevent violence, harassment and intimidation of women who are attempting to exercise their fundamental right to access healthcare."

"Planned Parenthood supports this new law because it will protect the privacy, dignity and safety of patients who are just trying to get to their doctor's appointments and staff who are just trying to do their jobs," said Dianne Luby, President/CEO Planned Parenthood League of Massachusetts. "This is an important public safety measure and we commend Governor Patrick for signing it into law today."

The lead sponsors of the legislation - which had broad support in both the Senate and the House - were Senators Susan Fargo (D-Concord) and Harriette Chandler (D-Worcester), and Representatives Marty Walz (D-Boston) and Carl Sciortino (D-Medford).

11.13.07 - New Buffer Zone Bill Signed into Law

Governor Deval L. Patrick

New Buffer Zone Bill Signed into Law

November 13, 2007

As Delivered

Well welcome everyone. I am very pleased to be joined by President Murray, by Speaker DiMasi, by Secretary Burke, by the members of the House and Senate who are here. To all of you, to sign a bill that strikes an appropriate balance between the freedom of choice and the freedom of expression. We had, for a long time now, a series of laws that have been mostly un-enforceable to enable women to get the reproductive health services to which they are entitled and to which they so desperately need. We have had to find a better balance than the current past law allowed so there was not the level of harassment and intimidation in the exercise of that right but, so there was also a reasonable opportunity for people who have a different view to express that view. We believe that with the legislation, we have struck that better balance. The freedom of choice is secure here in this Commonwealth, and we are all proud of that and we mean for it to be exercised without intimidation and harassment. We also mean to respect the reasonable right to express themselves of people who have a different view. I want to say thank you to the main sponsors of this bill, Senators Fargo and Chandler and Timilty and Tisei, all of whom are here. Representative Walsh could not be here, Representative Sciortino showed great leadership indeed, as all here did. They championed this bill and got it through our legislature with overwhelming support. I also want to recognize and thank the Planned Parenthood League of Massachusetts, NARAL Pro Choice Massachusetts, the Massachusetts chapter of the National Organization for Women, and the Massachusetts Women's Political Caucus for pushing so hard to get this done and for their continued advocacy for women's health and the right to choose.

Governor Patrick Establishes Office of the Child Advocate

New office to investigate and oversee agencies responsible for child welfare

BOSTON- Thursday, December 20, 2007-Governor Deval Patrick today signed an Executive Order establishing the Office of the Child Advocate responsible for investigation into critical incidents involving children in custody of or receiving services from the Executive Office of Health and Human Services (EOHHS). "There is no government role more important than ensuring that children are protected," said Governor Patrick. "The Office of the Child Advocate will be in a position to look at policies and practices across agencies so that the Commonwealth can best promote and protect the safety, health and wellbeing of our children."

The Office of the Child Advocate will be part of EOHHS but will be fully independent. The Child Advocate is authorized to review any EOHHS agencies' investigation of such an incident to conduct its own investigation as needed.

The child advocate's independence from any individual agency will also ensure his or her ability to identify patterns and system-wide issues affecting services provided to children and make recommendations for improvement. Secretary Bigby and the commissioners of state agencies serving children believe that the Child Advocate is the most appropriate means of addressing potential systematic issues in the way the Commonwealth serves children. The Child Advocate will report annually to the Governor, the Secretary of Health and Human Services, the Speaker of the House and the President of the Senate on priorities for children's services and make recommendations about how the Commonwealth can better provide services to and for children.

"It's critical that we do the very best we can for the children and families we serve," said Secretary of Health and Human Services Dr. JudyAnn Bigby. "The Child Advocate will serve as a watchdog to help us do that."

The Child Advocate will be appointed by the Governor from a list of three well-qualified people recommended by an *ad hoc* group of advocates and experts in child welfare. The group is expected to provide its list to the governor by the end of February 2008.

GOVERNOR PATRICK ANNOUNCES NEW CHAIR AND NEW MEMBER OF THE MASSACHUSETTS COMMISSION AGAINST DISCRIMINATION

Appointments Bolster Commonwealth's Chief Civil Rights Agency

BOSTON - Wednesday, December 5, 2007 - Governor Patrick has named Malcolm S. Medley, a recent appointee to the Massachusetts Commission Against Discrimination (MCAD), as the Commission's new Chairman. With the designation of Medley as chair, Sunila Thomas-George, currently Acting Chief of Enforcement at MCAD, has been appointed to the vacant seat.

"Malcolm Medley's broad experience and knowledge will be invaluable as he takes the helm of the Commonwealth's chief civil rights agency," said Governor Patrick. "I am proud that he will be joined by Sunila Thomas-George whose own extensive work at the Commission as a supervising attorney will bring additional professionalism and sound judgment to the Board. Both these appointments will ensure that we as a Commonwealth continue to strive to protect the rights of all the citizens of Massachusetts."

Medley is a Boston lawyer whose practice focuses on representing individuals in federal and state courts and at administrative agencies in cases involving discrimination based on race, age, disability and ethnicity. He is also a trained arbitrator and member of the American Arbitration Association Commercial and Employment Arbitrators roster. Medley previously served as a Special Assistant Corporation Counsel for the City of Boston School Department from 1993 to 2000, playing a key advisory role in cases involving discrimination, student school assignment criteria and school desegregation and staffing court orders. Medley also served as Legal Counsel at OneUnited, the largest black-owned bank in the country, from 2001 to 2004. OneUnited profitably serves urban communities in Massachusetts, California and Florida that were previously viewed as "un-bankable." Medley graduated from Northeastern University in 1989 and Boston University School of Law in 1992.

Sunila Thomas-George has been an attorney with the Commission since 1997 serving in a number of capacities. During her ten years at the Commission, she was Acting Chief of Enforcement, Supervising Attorney of the Enforcement Advisors Unit, Supervising Attorney of the Attorney Assisted Unit, and a commission counsel. She managed a staff of attorneys and worked closely with the Commissioners, the Chief of Enforcement and the General Counsel on substantive and procedural issues before the Commission. She also assisted in drafting the MCAD Disability and Sexual Harassment Guidelines. She has been a Certified Trainer in Discrimination and Harassment Prevention since 2001. Thomas-George has been the recipient of a number of awards including the Executive Branch Award for Excellence in Government Legal Services in 2004 and the Manuel Carballo Governor's Award for Excellence in Public Service in 2001. She graduated from Wheaton College in 1991 and Western New England College School of Law in 1995.

The Massachusetts Commission Against Discrimination is the Commonwealth's chief civil rights agency. The Commission works to eliminate discrimination on a variety of bases and areas, and strives to advance the civil rights of the people of the Commonwealth through law enforcement, outreach and training.

Patrick-Murray Administration Launches Access and Opportunities Effort

Effort Seeks to Open Doors, Eliminate Barriers in State Government

BOSTON- Thursday, May 22, 2008- Keeping to his commitment to find new ways to engage individuals in their government and encourage a culture of opportunity for all residents, Governor Deval Patrick has announced the Administration's Access and Opportunities initiative.

"The people of Massachusetts deserve transparency and accountability from their government," said Governor Patrick. "By helping to ensure that rights, protections, privileges and responsibilities of citizenship are accessible to all whom live here, this effort will help us to continue to build a better Commonwealth."

The effort focuses on improving transparency and accountability in state government to make sure all individuals, no matter their race, gender, ethnicity, sexual orientation or physical disability, have an equal opportunity to work and contract with state government.

These efforts build on the executive order Governor Patrick issued last year, reaffirming the Commonwealth's commitment to ensuring equal opportunity and promoting diversity in all aspects of state government, including hiring practices and opening up competition for state contracts.

With Governor Patrick's approval, Administration and Finance Secretary Leslie Kirwan has appointed Ron Marlow as Assistant Secretary for Access and Opportunity to lead these efforts and ensure accountability. Marlow will oversee the activities of nearly a dozen state agencies that coordinate employment hiring and contracting goals. Prior to his appointment, Marlow served as director of the Governor's Development Cabinet.

"I am honored that Secretary Kirwan has appointed me to serve the residents of the Commonwealth in this important effort," said Marlow. "It's my goal to maximize both procurement and personnel opportunities; and, for the first time, responsibility for coordination will rest in a single point of contact and entry."

The Administration will work to ensure that small businesses, particularly minority-owned and women-owned business enterprises (M/WBEs), are able to compete for state contracts by increasing oversight and coordination among agencies to make the system more accessible. For example, the Administration would help ensure proposals to bundle construction contracts would guarantee M/WBEs would be able to compete with large and longstanding companies for state contracts.

The Administration will also identify existing state programs, activities and/or policies that may unintentionally limit individual efforts to advance economically, and make recommendations to remove barriers that may exist. For example, the state's workforce development programs may not offer all the resources necessary to help place people with limited skills or limited income into employment.

Marlow will work with the Governor's Office of Civic Engagement to organize community meetings across the state to hear from residents on issues relative to access and opportunity, and will produce an annual report, which measures the success of this effort.

5.23.08 - Commonwealth Compact Launched

Governor Deval L. Patrick

Commonwealth Compact Remarks

May 23, 2008

As Delivered

My Grandfather swept the floors of a bank on the south side of Chicago for 55 years, and when he passed away, the chairman of the bank came to his memorial service and said that had it been a different day, my grandfather would have retired as chairman of that bank himself. I think that day is here. And it's up to us to seize it.

The Commonwealth Compact, at its most fundamental level is about dispelling the notion that we have to choose between doing well and doing good. It's about demonstrating in practical terms that diversity is not just about our idealism; it directly benefits our social and economic interests. Better access and more inclusion in healthcare, education, the job market and so many other places, help drive innovation and cut costs in things like human services.

So we put forward efforts like Commonwealth Compact. Not because we are sentimental about diversity, but because we know that the best way to a prosperous community and future is through broad opportunity, equality and fair play.

China and India and other countries continue to build their educational and economic infrastructures, and their middle classes are expanding. So it's our economic imperative as well, to make sure that all of our residents have the opportunity to play a role in our state economy and in our social opportunities. In an area of limited population growth in Massachusetts, now more than ever, we have to make sure that all of our people are engaged and ready for success. That's an economic imperative that applies to all, including woman and minorities, to individuals with disabilities, to members of the GLBT community, to the immigrant communities as well.

There is concrete evidence, as you've heard in detail from Steve, of what's happening

here in Massachusetts. In the life sciences sector, one of the key drivers of our economic success, one in four New England start-ups has an immigrant founder. According to the Immigrant Learning Center, biotechnology companies in New England with at least one immigrant founder produced over 7.6 billion dollars in sales, and employed over 4,000 workers in 2006. That's very good news. And we'd be nuts not to take advantage of that.

But also, it's a telling example of how the tone we set for diversity in our community affects our communities and our economic future. Consider that Massachusetts is home to some 16,000 Hispanic-owned businesses, and is in the top 10 nationally for businesses owned by Hispanic women. As of late last year, only 1 percent of that 16,000 were certified with SOMWBA, our State Office of Minority and Women Business Assistance.

So we've put in place new leadership and staffed up at SOMWBA and have connected some businesses with some very lucrative deals. Last year, an electric company owned by a Latina went from 150,000 dollars in annual sales to a 4.4 million dollar contract with the University of Massachusetts. Opportunities like that are waiting all across the Commonwealth, and I there are a couple of you hear I know who are looking at each other and looking at me saying, "Tell me where to get that contract." We are about doing just that.

In state government we have been moving to create an atmosphere of inclusion in hiring, board appointments, and enhanced access to state services and contracts for all Massachusetts residents, and we're starting to get results. Within our first month in office, I signed executive order 478 reestablishing our commitment to promote the hiring a diverse workforce. That executive order also outlined a specific process to implement the hiring of people with disabilities, resulting in the creation of the Disability Task Force to establish and implement best practices for recruiting, hiring, and promoting persons with disabilities. 14,000 executive branch employees have been trained on the Commonwealth's diversity curriculum since we took office, doubling the last administration's results.

We've been thorough in ensuring that managerial hires reflect the diversity of the Commonwealth. So far, out of 770 managers hired or promoted one in five is a minority,

over half are women. On our state boards and commissions, 9 out of 10 appointments were new to their boards rather than reappointments; and of those new appointments more than a quarter are minorities- many appointed to boards like the Mass Turnpike, the MBTA and the Board of Education. In over 80 trustee positions, 35 percent have been minorities. And on another very important note, 54 percent of appointments to boards and commissions have come, and understand the spirit in which I say this Mr. Mayor, from outside of greater Boston. We see, and it's simply because I ran to be Governor of the whole state, and it is important that we draw on that talent from beyond Boston as well.

We're seeing, we announced just this week our access and opportunity agenda, which builds on last year's executive order and is very much in the spirit of the Commonwealth Compact. The goal is to reexamine the way that we do business in state government in order to identify, understand, and act upon institutional obstacles that might be holding people back. We've entrusted Ron Marlow who is here, well known to many of you, to lead that effort as the new Assistant Secretary for Access and Opportunity within the Executive Office of Administration and Finance. And Ron, we look very much forward to working with you and to the results that you will help us produce.

So these are just some of the ways in which we've been working to bring about demonstrable change and access and openness to state government. The Commonwealth Compact could not come at a better time in my view.

And one of the really most touching moments of this extraordinary adventure we've been on - I remember the night of the inauguration, there was a gathering at the convention center, maybe some of you were there, and I remember Dianne and I went out on the...we went from room to room and we went into one of the larger rooms and out onto the stage and I looked out and the variety of people - folks who always go to things like that and folks who never go to things like that - the high and the mighty and the meek as well, side by side celebrating with us. And I remember observing the variety of people in that room and the diversity in that room and saying at the time, "Get used to it." Let's get used to it. That's a very good thing for all of us.

Patrick-Murray Administration to Launch Webpage for Available Boards and Commissions Positions

BOSTON- Friday, May 15, 2009 -In keeping with the administration's commitment to government transparency and consistent promotion of public service, Governor Deval Patrick and Lieutenant Governor Tim Murray have launched a new website for vacancies on boards and commissions to which the Governor makes appointments.

For the first time, Massachusetts residents will have better access to participate in state government by applying to serve on these important governing bodies. The Governor will make roughly 2,500 appointments to over 700 boards and commissions in his first term, made up almost entirely of volunteers willing to contribute their time and expertise to the betterment of the Commonwealth.

"This website will continue to boost accessibility to and engagement with state government for citizens throughout Massachusetts," said Governor Patrick. "I encourage people to get involved in public service, and to apply for a board or commission."

"We encourage Massachusetts residents to visit this webpage to find out what opportunities exist for participation on boards and commissions or simply to learn more about the roles these bodies play in state government and the lives of people everyday," said Lieutenant Governor Murray.

To date, Governor Patrick has appointed 1,272 active citizens to state boards and commissions. Reflecting his dedication to diversity, Governor Patrick's appointments represent a range of demographics from all over Massachusetts:

- Approximately 25% are persons of color
- Approximately 40% are women
- Appointees hail from 248 cities and towns across the Commonwealth
- 12% Western Massachusetts
- 12% Central Massachusetts
- 6% North Shore
- 5% Cape and Islands
- 9% South Shore
- 42% Greater Boston
- 7% Metro West

- 6% Merrimack Valley

The boards and commissions website will make it easy to learn more about and apply online for opportunities to serve on a wide range of boards, from boards of trustees at state and community colleges to the bodies that regulate professional licensure. There are boards associated with virtually every area of policymaking, from the over 300 Housing and Redevelopment Authorities to the Board of Underwater Archaeological Resources. Every facet of Massachusetts government holds opportunities for active citizenship through a related board or commission.

Visitors to the web site will be able to easily search for boards by policy area and by keyword. When using the application submission feature, candidates can specify a specific board of interest or up to three relevant policy areas. The site allows uploading of résumés and cover letters in any common format as well as through direct text entry. Submitted applications will instantly be added to a new central database of all individuals who are interested in serving on boards and commissions.

The boards and commissions website can be found at www.mass.gov/governor/boards.

GOVERNOR PATRICK APPOINTS MARIAN McGOVERN SUPERINTENDENT OF THE MASSACHUSETTS STATE POLICE

Governor praises outgoing Superintendent Delaney; Says McGovern will continue to move MSP forward

BOSTON - Thursday, December 10, 2009 - Governor Deval Patrick today announced he has appointed Deputy Superintendent Marian J. McGovern as the next Superintendent and Colonel of the Massachusetts State Police (MSP). McGovern will be the first female to hold the position in the Commonwealth's history.

"Over the past 30 years, Marian McGovern has performed with distinction at every level of service as a sworn member of the Massachusetts State Police," said Governor Patrick. "This experience has fully prepared her to move this critical agency forward."

McGovern's three-decade long career with the MSP began at the rank of Trooper in 1979. She has served as a detective, led the detective unit assigned to the Worcester County District Attorney's Office and served as a Major in the Crime Lab where she helped develop the CODIS Unit. She has also served as Deputy Commander of Training, headed the Division of Standards and Training as a Lieutenant Colonel and served as Deputy Superintendent since January of 2009.

"It is an honor to have spent 30 years working for the greatest law enforcement agency in the world," said Lieutenant Colonel McGovern. "And now, today, the culmination of those years and achieving the rank of Colonel and Superintendent of the Massachusetts State Police is the greatest accomplishment I could have ever hoped for."

"Marian understands all phases of public safety in Massachusetts as well as what's needed to accomplish a particular mission or goal," said Public Safety Secretary Kevin M. Burke. "We're fortunate to have someone of her caliber step up and accept what will be a very difficult challenge."

McGovern received a Bachelor of Arts in Criminal Justice from Framingham State College and a Master of Science in Criminal Justice from Westfield State College. McGovern was awarded the Breaking the Glass Ceiling Award by the National Center for Women and Policing. She is also the recipient of the Distinguished Law Enforcement Award from Blue Mass, Diocese of Worcester. McGovern will assume her post on December 16th.

Governor Patrick also offered praise for outgoing Superintendent Mark Delaney, who announced his retirement in September after 35 years of service to the MSP. "Colonel Delaney has been an example of excellence during his entire career on the Department. The State Police and the Commonwealth owe him a debt of gratitude."

The Massachusetts State Police was created in 1865. Today it is comprised of 2,300 highly trained, sworn officers dedicated to serving the citizens of the Commonwealth.

GOVERNOR PATRICK SIGNS LAW TO STRENGTHEN PROTECTIONS FOR VICTIMS OF HARASSMENT

New law broadens protective orders; Follows Governor's announcement that federal funds will support DA's efforts to prevent violent crimes against women

BOSTON - Tuesday, February 9, 2010 - Governor Deval Patrick today signed legislation that will provide stronger protections for victims of sexual abuse and intimidation. The new law will allow victims to obtain criminally enforceable protection against their attackers.

"As a community, we cannot allow victims of abuse to live in fear of their perpetrator," said Governor Patrick. "This new law closes a glaring loophole by ensuring the full extent of the justice system is available to protect sexual assault victims."

"Under the old protective order statute, victims of abuse could only petition for protective orders if the abuser was a family member or someone with whom the victim had a substantial dating relationship," said Lieutenant Governor Timothy P. Murray, Chair of the Governor's Council to Address Sexual Assault and Domestic Violence. "Thanks to the leadership and dedicated work of many individuals, today we have a law that removes those barriers and provides reform to further protect victims of sexual assault."

The law allows victims, regardless of relationship, to obtain civil restraining orders that are criminally enforceable, thereby changing the old definition of harassment that had been an impediment for some victims of stalking and sexual assault.

"During my more than 20 years as a prosecutor, I have often seen victims of harassment, stalking, or sexual abuse who are in fear for their safety and who often lack adequate protections against their abusers. In some instances, we have seen that lack of protections result in further attacks or even murder. I am pleased that the Legislature and the Governor have provided this as an option to further address the safety and security needs of these victims," said Attorney General Martha Coakley.

"We know that restraining orders save lives. This law will ensure that victims of stalking, sexual assault and harassment by strangers have an accessible, affordable option for protection," said Public Safety and Security Secretary Mary Beth Heffernan.

"Massachusetts has always been a leader in the fight against domestic violence, and today we continue to lead the way in protecting victims of harassment, stalking and violence," said Senator Harriette Chandler, lead sponsor of the bill in the Senate. "This act finally closes a loophole that left too many victims of harassment vulnerable to their assailants and open to further abuse. I'm proud of the widespread and ranging collaboration between law enforcement, victims, advocates and politicians that led to this common-sense bill, and am pleased to witness its long-awaited enactment."

"A large number of people from both sides of the aisle and from all different sectors came together to refine this sensitive and complex legislation," said Representative Cory Atkins, a lead co-sponsor of the bill in the House of Representatives. "I am proud of our collaborative efforts to expand restraining order law and provide much-needed protection for victims, and I thank everyone who made this possible."

"Ten years of hard work, determination and heartache have brought us to this moment," said Representative Peter Koutoujian, a lead co-sponsor of the bill in the House of Representatives. "It took the leadership and conviction of this Speaker, this Senate President and this Governor to ensure that all victims of stalking receive the fullest protection under the law."

"This new law recognizes that sexual assault, stalking and harassment are dangerous crimes," said Mary R. Lauby, Executive Director of Jane Doe Inc. "We've learned from years of advocacy and working with survivors that restraining orders are effective tools in the prevention of harassment and violence and that when victims are safe, they are better able and more likely to participate in criminal justice interventions that hold offenders accountable."

Earlier today, the Governor announced that the Patrick-Murray Administration has made available \$708,400 in federal funds to the Commonwealth's District Attorneys to target violent crimes against women, including domestic and dating violence, and sexual assault and stalking. The funds, from the Violence Against Women Act (VAWA) and other federal sources, were awarded through the Executive Office of Public Safety and Security (EOPSS) to the state's 11 District Attorneys' offices.

PATRICK-MURRAY ADMINISTRATION RELEASES FUNDS TO FIGHT VIOLENCE AGAINST WOMEN

BOSTON - Tuesday, February 9, 2010 - The Patrick-Murray Administration today announced that it has made available \$708,400 in federal funds to the Commonwealth's District Attorneys to target violent crimes against women, including domestic and dating violence, and sexual assault and stalking. The funds, from the Violence Against Women Act (VAWA) and other federal sources, were awarded through the Executive Office of Public Safety and Security (EOPSS) to the state's 11 District Attorneys' offices. Additionally, Governor Deval Patrick will sign legislation this afternoon to further strengthen protections for victims of sexual violence.

"As we see in tough fiscal times like these, levels of stress and aggravation rise and cities and towns all across the Commonwealth receive more calls for responses to domestic violence," said Governor Patrick. "These grants will help District Attorneys working with other law enforcement agencies maintain core victim services and more effectively identify and respond to violent crimes against women."

"Law enforcement programs supporting victims of sexual assault and domestic violence are critical to ensure safety for residents across the Commonwealth," said Lieutenant Governor Timothy P. Murray, chair of the Governor's Council to Address Sexual Assault and Domestic Violence. "Thanks to the support and advocacy of our congressional delegation, VAWA stimulus and other federal funds will further assist our administration's efforts to maintain and strengthen law enforcement and protection services that address violence against women during these challenging economic times."

Each District Attorney's office will receive grants of \$64,400 to develop and improve effective law enforcement strategies, advocacy and services addressing violent crimes against women. VAWA's Stop Program promotes a coordinated, multidisciplinary approach to enhancing advocacy and improving the criminal justice system's response through enhanced statewide collaboration efforts among law enforcement, prosecution, nonprofit, nongovernmental victim advocacy and service providers, and the courts.

"Violence against women disgusts me. As a young prosecutor, I saw firsthand its devastating effects. It impacts every aspect of a woman's life from her physical safety to her ability to earn a living to how she cares for her family. These investments will allow 11 District Attorney's offices to continue doing everything possible to put an end to this unacceptable violence," said Senator John Kerry.

"I have been a consistent and strong supporter of measures seeking to reduce violence against women in the United States and worldwide, and I am pleased the Commonwealth has directed these funds to District Attorneys to expand stalking prevention and victim support programs. I will continue to work with my colleagues to ensure women receive appropriate protections," said Congressman John Tierney.

"I am pleased that these grants - which will provide for greater resources to combat violence against women - have been awarded to District Attorney Offices in Massachusetts," said Congressman William

Delahunt, a former Norfolk County DA who established the first prosecutorial unit in the nation to combat domestic violence and provide services to victims. "These funds will help survivors who have the courage to end the cycle of abuse and will work towards preventing future violence."

"These federal funds are extremely important right now and will help our District Attorneys and law enforcement agencies address violence against women while providing services to assist survivors," said Congressman Stephen F. Lynch. "While many programs are suffering due to cuts in funding, I am very pleased that Governor Patrick is maintaining these critical domestic support services."

"We hope this funding furthers the mission by supporting their efforts and strengthening their law enforcement and prosecution strategies to combat violent crimes against women," said Public Safety and Security Secretary Mary Beth Heffernan. "More services are desperately needed."

"The grant will provide welcome assistance in our continuing fight against domestic violence, and in helping victims," said Essex District Attorney Jonathan W. Blodgett.

"We are grateful for the additional funds from this grant. It will allow us to hire a much needed, specialized Domestic Violence prosecutor in the Wareham District Court. In 2009, the police departments in that area responded to over 420 domestic violence calls," said Plymouth District Attorney Timothy J. Cruz.

GOVERNOR PATRICK SIGNS BILL TO STRENGTHEN CHILD PROTECTION LAWS

New law closes loophole, bans dissemination of obscene materials to minors via electronic communications

BOSTON - April 13, 2010 - Governor Deval Patrick has signed legislation to include instant and text messages, email and other electronic communications in the existing law that prohibits sending obscene and harmful materials to minors. The bill, a version of which Governor Patrick filed in February, addresses a loophole in the current statutory scheme which covered only handwritten, printed, recorded or live performances and restricted photographs, magazines, movies and handwritten or printed materials. "This law addresses an obvious gap in current statute and helps us to better protect our young people," said Governor Patrick. "I thank the Legislature for their quick action on this commonsense measure."

"I am proud that the legislature and administration took action to ban the sending of profane electronic messages to minors and prohibit the assault and battery of correctional officers with a bodily fluid," House Speaker Robert A. DeLeo said. "This legislation will update our laws to protect our young people from dangerous, violating situations and give needed protection to the hardworking people in our houses of correction who work to ensure our security and the rehabilitation of our inmates."

The law responds to a recent decision by the Massachusetts Supreme Judicial Court which found that existing state laws do not prohibit the transmittal of

sexualized messages to minors via email and text messages. Individuals found in violation of this law are subject to up to five years incarceration or a fine of between \$1000-10,000 for a first offense, \$5,000-\$20,000 for a second offense, and \$10,000-30,000 for a third and subsequent offenses.

The measure also strengthens current law to protect employees of correctional facilities in the Commonwealth from assaults by inmates. Any inmate who commits an assault and battery with bodily fluids on an officer or other employee of a correctional facility will face an additional period of incarceration. The statute provides for two and a half years in the house of correction or 10 years in state prison. It also allows correctional officers who have been assaulted to file complaints against inmates directly with the courts, instead of seeking an indictment.

"Today, in one piece of legislation, we are protecting our Corrections Officers from horrible attacks and our children from predators over the internet and texting," said Senator Jim Timilty, Senate Chair, Joint Committee on Public Safety Homeland Security.

"This bill will help protect the men and women who work in our correctional facilities. It sends a strong message to incarcerated individuals that assaulting a correctional officer, regardless of the method, will not be tolerated," said Representative Michael A. Costello, House Chair, Joint Committee on Public Safety and Homeland Security.

GOVERNOR PATRICK SIGNS LANDMARK ANTI-BULLYING LEGISLATION

Comprehensive bill strengthens efforts to keep Massachusetts students, schools safe

[View Photos from the signing](#)

BOSTON - Monday, May 3, 2010 - Governor Deval Patrick today signed anti-bullying legislation he strongly advocated for to strengthen efforts in schools to keep Massachusetts students safe. Passed by the Legislature last week, the comprehensive measure employs new strategies for adults, new supports for students and better communications among state agencies to prevent, report and effectively address issues related to bullying.

"As Governor and as a parent, I feel very strongly that no child should feel threatened or unsafe in our schools," said Governor Patrick. "Today, with this new law, we are giving our teachers, parents and kids the tools and protections they need so that every student has a chance to reach their full potential. I am proud to sign this bill and thank the Legislature for delivering on this critical priority."

"Students should have the ability to arrive at school ready to learn without distractions that prevent them from studying and participating in class," said Lieutenant Governor Timothy Murray. "It is encouraging to know that through this new law the Governor signed today, my two daughters and all children in the Commonwealth will be further protected in our schools as well as in the community and online."

The Governor signed the bill at a State House ceremony attended by members of the Governor's Youth Council, legislative and education leaders and advocates from the fields of education, public safety, health and human services and law enforcement. Specifically, the new law increases efforts to educate students about bullying including regulations on student handbooks and classroom instruction; institutes new rules and expectations for reporting incidents of bullying; provides new opportunities for training for all adults in schools on how to identify, prevent and manage incidents of bullying; and enhances efforts across state and local education, health and law enforcement agencies to build more collaboration to ensure the new efforts are effective.

"For our children to thrive, it is imperative that we provide them with a safe and secure learning environment," said Senate President Therese Murray. "Our goal with this legislation is to aid our schools in providing that environment, and give both students and parents peace of mind."

"This law will protect our children from bullying both during the school day and after school hours," said House Speaker Robert A. DeLeo. "No child need know the terror of a bully."

"This bill represents our strong belief that every school in the Commonwealth must be a place where children can feel safe and the threat of abuse, harassment, and bullying is not tolerated. This problem is not new, but in recent years the intensity of bullying and technological advances has heightened the

problem to the point where it can affect every aspect of a child's life. This bill gives school administrators, parents and students the tools and skills they need to ensure a safe learning environment in and out of our schools," said Senator Robert O'Leary, Senate Chair of the Joint Committee on Education.

"Having spent many hours drafting this legislation, I am pleased it is now law, even as I decry the kinds of bullying behavior that makes it necessary. It is now up to parents and school leaders to ensure that the homes in which children are raised and the schools in which they are educated reinforce the message that bullying is wholly unacceptable," said Representative Marty Walz, House Chair of the Joint Committee on Education.

"Over the past few months, I've heard so many heartbreaking stories from constituents - both parents and children - who have strong concerns about bullying in our schools. This bill is a strong step towards ensuring that every child, in every school in the Commonwealth, feels safe coming to school, and that our schools have the tools they need to create a safe school climate and put a stop to bullying," said Senator Jamie Eldridge.

"Students and parents have a right to expect that schools will be a safe place, and this legislation provides a strong framework to address bullying when it occurs and to prevent bullying in every school across the Commonwealth. In fact, the mandated reporting requirements, anti-bullying curricula at all grade levels, and cyber-bullying components make this the most comprehensive and one of the strictest bills in the nation," said Representative John Scibak.

The law includes new reporting requirements for all school staff to fully and swiftly detail any instance of bullying or retaliation to the appropriate school official. Additionally, the measure directs the Board of Elementary and Secondary Education (ESE) to establish statewide academic standards that include instruction in bullying prevention and requires schools statewide to provide age-appropriate instruction on bullying prevention.

Both public and private schools are now required to develop detailed bullying prevention, intervention and notification plans and to publish those plans in student handbooks. There is also a requirement that each school district will begin to provide targeted professional development to build the skills of all staff members in schools (including teachers, administrators, custodians, athletic coaches, bus drivers and others) to prevent, identify and respond appropriately to bullying incidents. ESE must provide school districts with a no-cost method for fulfilling this requirement.

Finally, the law extends beyond the classroom to include incidents that occur in the community and online bringing a new focus on so-called cyber-bullying and extending rules and penalties to apply to electronic and other communications.

In addition to the new rules, supports, opportunities and expectations established by the law, there is also a provision designating the fourth Wednesday in January as "No Name Calling Day" to increase public awareness of the devastating effects of verbal bullying, to encourage students to use positive dialogue and pledge not to use hurtful names on this designated day, and to promote tolerance and respect for differences across the Commonwealth.

"Now that the comprehensive anti-bullying legislation is law, it is imperative that we work together to bring all the stakeholders - parents, teachers, administration, legislators and especially students - to the table so that we will eliminate bullying from every corner of the Commonwealth," said Jose Rodrigues, Treasurer of Governor's Statewide Youth Council.

GOVERNOR PATRICK SIGNS BALLOT TRANSLATION BILL

Boston home-rule petition designed to expand voter participation

BOSTON- Saturday, July 31, 2010 - Governor Deval Patrick today signed into law legislation requiring the City of Boston to prepare ballots in Chinese and Vietnamese for all federal, state and local elections. The measure, a Boston home-rule petition, also calls for Chinese ballots to be transliterated by the Boston Board of Election Commissioners to include Chinese characters that represent the phonetic equivalent of the syllables of an English name.

"This law removes a language barrier that often discourages people from taking part in the electoral process," said Governor Patrick. "I am proud to sign this bill because I believe it will make it easier to vote and allow more of our citizens to actively in engage in their government."

The new law mandates these ballots in polling places in which there are 35 or more registered voters with Chinese surnames or 30 or more with Vietnamese surnames. The measure takes effect on January 1, 2011. Supporters of the law say it is needed to allow many elderly Asian-Americans who do not read English to participate in the voting process.

"Today we achieved a great victory as the Governor signed into law legislation to ensure equal voting rights for Asian-Americans-particularly elder Asian-Americans-in the City of Boston," said Senator Sonia Chang-Díaz, who represents Chinatown and sponsored the bilingual ballots bill in the Senate. "I want to thank the Governor for supporting the concerns of our residents so consistently. I also want to thank the members of the Coalition for Asian American Voting Rights for their incredible and long-running work on this bill, and the Mayor, the City Councillors, and my Senate co-sponsors of the bill, for all the support they've put behind it. It's taken a great team to bring the bill to where it is today."

"This bill is about civic engagement. I think that's what we're all trying to do here. This is one segment of the population that language is a barrier for them. This bill will allow them to participate to the fullest extent," said Representative Aaron Michlewitz, who joined the Governor and other advocates at the State House bill signing.

"For so many years, we Chinese-speaking voters went to countless hearings and demonstrations to call attention to our voting rights. We are thankful particularly to Sam Yoon, who championed this issue in the City, and to our Senator Sonia Chang-Díaz and Representative Aaron Michlewitz, and with the support of the Governor, that we now can go vote without having someone to go to the booth to translate for us," said Mr. Henry Yee of the Chinatown Resident Association.

GOVERNOR PATRICK SIGNS LEGISLATION TO PROMOTE RESPECT FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES

BOSTON - Wednesday, August 4, 2010 - In keeping with the Patrick-Murray Administration's commitment to support the Commonwealth's most vulnerable populations, Governor Deval Patrick today signed into law a bill that promotes dignity for individuals with developmental disabilities by replacing the words "mental retardation" with "intellectual disabilities or disability" in the Massachusetts General Laws. The legislation, "An Act Eliminating the Word 'Retardation' from the General Laws" (H4922), reflects the passionate work of advocates, particularly self-advocates with developmental disabilities, and follows last year's renaming of the Department of Developmental Services, which had previously been called the Department of Mental Retardation. A broad range of stakeholders believed that changing the name of the department was a key step in demonstrating respect for people with developmental disabilities and also better reflected the range of services and supports offered by the state.

"This important change reflects our commitment to promoting dignity and respect for people with disabilities," said Governor Patrick.

"The issue of supporting and caring for those with intellectual disabilities has always been near and dear to my heart," said House Speaker Robert A. DeLeo. "This bill is another great step towards fostering a more caring, respectful Commonwealth that values each and every member of our society."

The Patrick-Murray Administration has shown a long-standing commitment to facilitating independence for people with disabilities. In 2008, Governor Patrick announced the creation of the Commonwealth's first Olmstead Plan, a roadmap and action plan reflecting the Governor's commitment to ensuring that people with disabilities and elders have access to community-living opportunities and supports that address each individual's diverse needs, abilities and backgrounds. Massachusetts' plan is designed to maximize the extent to which people with disabilities and elders are able to live successfully in their homes and communities.

"This action marks another step towards ending the stigma associated with developmental disabilities. I am confident that Governor Patrick will continue his good work together with the Legislature to further ensure greater opportunities for those with developmental disabilities as well as supports for the families who provide and care for them," said Senator Gale D. Candaras, Senate Chair of the Joint Committee on Children, Families and Persons with Disabilities.

"As Chair of the Committee on Children, Families and Persons with Disabilities, I am so pleased that we are finally changing the way in which we identify those with an intellectual disability, particularly within our General Laws in the Commonwealth. I believe this is a step in the right direction, not only for those who have a disability, but for the general public to understand the harm that labels can cause," said Representative Kay Khan, House Chair of the Joint Committee on Children, Families and Persons with Disabilities.

"This has always been a civil right issues for me. With today's bill signing, we fulfill the promise we made when we changed the name of the Department of Mental Retardation to the Department of Developmental Services; a promise to treat all persons with intellectual disabilities with dignity and respect. Today's signing is a direct result of the tireless work self-advocates and families across the Commonwealth have done to end the use of the R-word," said Representative Tom Sannicandro, Vice Chair of the Committee on Children, Families, and Persons with Disabilities.

"The Arc applauds the Legislature and Governor Patrick for moving away from the outmoded term 'mental retardation,' said Leo Sarkissian, Executive Director of The Arc of Massachusetts. "Individuals with disabilities, family members and others find the term offensive and have cried out for a replacement for more than a decade. The change to 'intellectual disabilities' is responsive and consistent with national trends."

GOVERNOR PATRICK ANNOUNCES STRONG MCAS IMPROVEMENT

Tenth graders scoring Proficient or Higher has nearly doubled since 2001; African American & Latino Students Also Make Great Gains



(Photo credit: Matt Bennett/Governor's Office). [View additional photos.](#)

REVERE -- Tuesday, September 7, 2010 -- Governor Deval Patrick was joined today by state education and local officials to announce that the number of tenth graders who scored Proficient or Higher on the English Language Arts (ELA) and Math MCAS exams has nearly doubled since the first year the state's graduation requirement was enforced. In addition, MCAS results showed that for the first time ever, more than half of all seventh and eighth graders statewide scored Proficient or Higher in Math.

According to 2010 MCAS results released at the Beachmont Veteran's Memorial School in Revere, more than 48,200 students in the class of 2012 scored Proficient or Higher on their first try, nearly twice the number of tenth graders who did so in 2001, when the state's Competency Determination requirement was first implemented for the class of 2003. Additionally, the percentage of third graders reading and doing math proficiently increased by six points in ELA and five points in math.

"I am very proud of the hard work and achievement of our students and teachers," said Governor Patrick. "The gains exhibited at all grades demonstrate that when we focus efforts on early literacy and providing

schools with the tools they need, all students will improve and progress will be made in closing achievement gaps."

"Our students and our schools continue to prove that high standards and high expectations combined with the right resources for all students creates a winning formula for success," said Lieutenant Governor Timothy Murray. "Congratulations to students, educators and parents for their hard work and persistence."

Since last year, African American students have narrowed the achievement gap with white students slightly in ELA at grades 3, 5 and 7, and in Math at grades 3, 7, 8 and 10. Hispanic/Latino students have narrowed the gap with white students in ELA at grades 3, 5, 6, 7 and 10, and in Math at grades 3, 4, 6, 7, 8 and 10.

Statewide, the percent of third grade students scoring Proficient or Higher increased by six percentage points in Reading (from 57 percent in 2009 to 63 percent in 2010) and by five percentage points in Math (from 60 percent to 65 percent). Highlighting that progress were seven point gains made by African American students in both subjects, and a six point gain by Hispanic/Latino students in ELA and a seven point gain in Math.

The class of 2012 is the third required to pass the Science, Technology and Engineering (STE) exam in addition to ELA and math to meet the state's graduation requirement. Eighty-six percent of students in the class of 2012 met the testing requirement in all three subjects on their first attempt, higher than the first attempt rates for the classes of 2010 (80 percent) and 2011 (83 percent).

"Our students and their teachers continue to rise to the challenge and achieve at higher levels," said Education Secretary Paul Reville. "We will continue to increase our expectations for student performance and our support for teachers to ensure all students access high quality instruction."

"I am pleased to see that our students, particularly at grade 3 and in middle school, continue to make strong improvements in ELA and Math," said Education Commissioner Mitchell Chester. "But our work is not finished, and closing gaps in achievement remains a top priority. We are committed to providing schools with the resources and supports they need to ensure that every child receives a world-class education and that every classroom is led by a highly skilled, effective teacher."

Students at grades 6 and 7 made two- to four-point gains in both subjects, while eighth graders improved by three points in Math. Statewide, 53 percent of grade 7 students scored Proficient or Higher in Math in 2010, up from 49 percent last year. At grade 8, 51 percent of students scored Proficient or Higher in Math, up from 48 percent.

Ninety-three percent of this year's senior class (class of 2011) have met the minimum testing requirement by scoring Needs Improvement or Higher in ELA, Math and STE by the end of eleventh grade. Of this total, achievement gaps persist among student groups: just 54 percent of limited English proficient students and 73 percent of special education students in this year's senior class have scored Needs Improvement or Higher on all three tests.

Statewide results include:

- Students made two- to six-point gains in the percent scoring Proficient or Higher in ELA in grades 3, 6, and 7, one- to five-points gains in Math at grades 3, 5, 6, 7 and 8; and one- to four-point gains in STE at grades 5, 8 and high school.
- The percent of third grade students scoring Proficient or Higher increased by six percentage points in ELA (from 57 percent in 2009 to 63 percent in 2010) and by five percentage points in Math (from 60 percent to 65 percent). Highlighting that progress were seven point gains made by African American students in both subjects, and a six point gain by Hispanic/Latino students in ELA and a seven point gain in Math.
- Students at grades 6 and 7 also made two- to four-point gains in both subjects, while eighth graders improved by three points in Math. Statewide, 53 percent of grade 7 students scored Proficient or Higher in Math in 2010, up from 49 percent last year. At grade 8, 51 percent of students scored Proficient or Higher in Math, up from 48 percent.
- Students from most subgroups in the class of 2012 made gains in the percent who earned a passing score of 220 or higher on all three grade 10 tests (ELA, Math, STE) after their first attempt: 70 percent of African American students, up from 66 percent; 66 percent of Hispanic/Latino students, up from 62 percent; 91 percent of white students, up from 90 percent; 58 percent of students with disabilities, up from 55 percent; 37 percent of limited English proficient students, up from 35 percent; and 72 percent of low income students, up from 68 percent.

The Massachusetts Comprehensive Assessment System (MCAS) was first administered in 1998 as a key part of the state's landmark Education Reform Act of 1993. Students in the graduating class of 2003 were the first required to pass the ELA and Math exams to earn a high school diploma. The STE exam was added to the graduation requirement beginning with the class of 2010.

District and school results from the 2010 MCAS results are still being compiled and will be released publicly later this month. For more information on the MCAS exam or to view the full statewide report, visit www.doe.mass.edu/mcas.

GOVERNOR PATRICK CELEBRATES PROGRESS ON GREENWAY'S ARMENIAN HERITAGE PARK

A Tribute to Armenian Heritage, Massachusetts Immigrant History to be Located on Parcel 13



(Photo credit: Matt Bennett/Governor's Office). [View additional photos.](#)

BOSTON - Thursday, September 9, 2010 - Governor Deval Patrick today joined His Holiness Karekin II, Catholicos of All Armenians, Armenian-American citizens and City and Commonwealth officials in celebrating the planned Armenian Heritage Park for the Rose Fitzgerald Kennedy Greenway.

The Armenian Heritage Park will be located on Parcel 13 of the Greenway between Faneuil Hall and Christopher Columbus Park. The \$2.2 million park construction project advertised for bid this month will be overseen by the Massachusetts Department of Transportation and funded entirely by the Armenian Heritage Foundation. The Foundation will have permanent responsibility for Heritage Park maintenance.

"I am honored to join His Holiness Karekin II to celebrate what will be a beautiful addition to the Greenway as well as a testament to the heritage of Armenian-Americans and Massachusetts' larger immigrant history," said Governor Patrick.

"This park celebrates the distinctive history of the City of Boston and the generations of immigrants who have made Boston the wonderfully diverse community it is today," said Mayor Thomas M. Menino. "It will add to the beauty and vitality of the Rose Kennedy Greenway for future generations of Boston residents

and visitors to enjoy."

The Park will consist of two prominent features: a metal, twelve-sided sculpture mounted in a reflecting pool on raised granite and a circular lawn panel 75 feet in diameter with a fountain at its center. The sculpture is in two pieces and will be reconfigured annually. The circular lawn panel is bordered by a granite walkway, seat-walls, and benches. The park will also include shade and ornamental trees, shrubs, groundcovers, perennials, and bulbs intended to provide seasonal interest, shade, and a buffer for park users from the adjacent street traffic.

"We appreciate the collaboration of the Armenian Heritage Foundation and the North End community in their efforts to create additional beauty in the heart of the City," said Senator Anthony Petrucci. "The Park will help provide a perpetual gathering place for visitors, residents and lecturers."

"With today's groundbreaking the Commonwealth moves one step closer to fulfilling the promise of the Rose Kennedy Greenway as an active and vibrant part of the City," said Representative Aaron Michlewitz. "I welcome the Armenian community to the North End and look forward to a great relationship with them in the future."

"This day has been 10 years in the making," said Representative Peter Koutoujian. "It is a proud day for the Armenian-American community and one we are eager to share with the people of the Commonwealth and the world."

"We can all be very grateful to the Armenian-American community of Massachusetts for this tremendously meaningful addition to the Greenway. It will be an inclusive space for residents and visitors to commemorate the Armenian Genocide and all other genocides, and to celebrate the immigrant experience and its contribution to our Commonwealth," said Representative Jonathan Hecht.

Park construction is expected to be completed within 12 months.

GOVERNOR PATRICK ANNOUNCES NOMINATION OF ESTEEMED JURIST AS CHIEF JUSTICE OF THE MASSACHUSETTS SUPREME JUDICIAL COURT



Governor Patrick today announced the nomination of Justice Roderick L. Ireland as Chief Justice of the Massachusetts Supreme Judicial Court.

BOSTON - Thursday, November 4, 2010 - Governor Deval Patrick today announced the nomination of Senior Associate Justice Roderick L. Ireland to serve as Chief Justice of the Massachusetts Supreme Judicial Court. Justice Ireland, a highly regarded Associate Justice of the SJC and former Appeals Court and Juvenile Court judge, is slated to fill the vacancy created by the retirement of Chief Justice Margaret H. Marshall. If confirmed, Justice Ireland will be the first African American and person of color to serve as Chief Justice of the SJC.

"Justice Ireland is one of Massachusetts' wisest and most experienced jurists and there is no one better suited to lead the Court and the judicial branch at this unique moment in our history," said Governor Patrick. "I am convinced Justice Ireland will move the Supreme Judicial Court forward in the same proud tradition as his predecessor Chief Justice Marshall."

Justice Ireland has served the Commonwealth as a member of the judiciary for over three decades, beginning with his 1977 appointment to the Boston Juvenile Court. After thirteen years on the Juvenile

Court, he became an Associate Justice of the Appeals Court in 1990. In 1997, Governor William F. Weld nominated him to the Supreme Judicial Court, where he became the first African American to serve that distinguished court in its more than 300 year history.

Justice Ireland's extensive legal career prior to joining the bench includes experience as a legal services staff attorney in New York City, a staff attorney for the Harvard Center for Law and Education, an attorney and Executive Director of the Roxbury Defenders Committee, General Counsel and Assistant Secretary of the Massachusetts Executive Office for Administration and Finance, and Chair of the Massachusetts Board of Appeal on Motor Vehicle Liability Policies and Bonds. He has taught courses in law and criminal justice for over 30 years, and has been recognized by many organizations for his judicial excellence and service. Justice Ireland is a graduate of Lincoln University (BA, 1966), Columbia Law School (JD, 1969), Harvard University Law School (LLM, 1975), and Northeastern University: Law, Policy and Society Program (PhD, 1998). He is a Springfield native and currently resides in Milton.

Justice Ireland is Governor Patrick's third nomination to the state's highest court, following his 2007 nomination of Justice Margot G. Botsford and his 2008 nomination of Justice Ralph D. Gants.

GOVERNOR PATRICK SWEARS IN NEW CHIEF JUSTICE OF THE MASSACHUSETTS SUPREME JUDICIAL COURT



Yesterday, Governor Patrick swore in [Roderick L. Ireland](#) as Chief Justice of the Massachusetts Supreme Judicial Court. (Photo Credit: Matt Bennett/Governor's Press Office)

BOSTON - Monday, December 20, 2010 - Governor Deval Patrick today swore in Senior Associate Justice Roderick L. Ireland as the new Chief Justice of the Massachusetts Supreme Judicial Court. Justice Ireland is the first person of color to lead the Supreme Judicial Court and the Judiciary, the third branch of government, and fills the vacancy created by the retirement of Chief Justice Margaret H. Marshall.

"This is a momentous and historic occasion for our Commonwealth, and I am confident that Justice Ireland's tenure as Chief Justice will reflect the strengths he has brought to the bench for three decades - sharp intellect, sound judgment, and proven fairness," said Governor Deval Patrick.

A native of Springfield, Massachusetts, Justice Ireland has given a lifetime to public service. He has served the Commonwealth as a member of the judiciary for over three decades, beginning with his 1977 appointment to the Boston Juvenile Court. After thirteen years on the Juvenile Court, he became an Associate Justice of the Appeals Court in 1990. In 1997, Governor William F. Weld nominated him to the Supreme Judicial Court, where he became the first person of color to serve that distinguished court in its more than 300 year history.

Justice Ireland's extensive legal career prior to joining the bench includes experience as a legal services staff attorney in New York City, a staff attorney for the Harvard Center for Law and Education, an attorney and Executive Director of the Roxbury Defenders Committee, General Counsel and Assistant Secretary of the Massachusetts Executive Office for Administration and Finance, and Chair of the Massachusetts Board of Appeal on Motor Vehicle Liability Policies and Bonds. He has taught courses in law and criminal justice for over 30 years, and has been recognized by many organizations for his judicial excellence and service. Justice Ireland is a graduate of Lincoln University (BA, 1966), Columbia Law School (JD, 1969), Harvard University Law School (LLM, 1975), and Northeastern University: Law, Policy and Society Program (PhD, 1998).

During today's ceremony, Governor Patrick also thanked retired Chief Justice Marshall for her leadership, her diligence, her vision and her devotion to the Commonwealth's judicial system. Justice Ireland will carry on her work and continue to move the judiciary and the people it serves forward into the 21st Century.

Justice Ireland is Governor Patrick's third appointment to the state's highest court, following his prior appointments of Justice Margot G. Botsford and Justice Ralph D. Gants.

GOVERNOR PATRICK ANNOUNCES NOMINATION OF HIGHLY RESPECTED JURIST AS ASSOCIATE JUSTICE OF THE MASSACHUSETTS SUPREME JUDICIAL COURT

BOSTON - Tuesday, December 21, 2010 - Governor Deval L. Patrick today announced the nomination of Appeals Court Justice Fernande R.V. ("Nan") Duffly to serve as an Associate Justice of the Massachusetts Supreme Judicial Court. Justice Duffly, a highly respected Associate Justice of the Appeals Court and former Probate and Family Court judge, is slated to fill the vacancy created by the appointment of Roderick L. Ireland as Chief Justice of the Supreme Judicial Court.

"I am honored to nominate Judge Duffly to our highest court," said Governor Patrick. "She brings a wealth of legal and life experience, and an extraordinary dedication to the Commonwealth's judicial system and the people it serves."

Justice Duffly has served the Commonwealth as a member of the judiciary for eighteen years, beginning with her 1992 appointment to the Probate and Family Court. She joined the Appeals Court as an Associate Justice in 2000. From 1978 to 1992, Justice Duffly was a litigation attorney at the Boston firm of Warner & Stackpole (now K & L Gates LLP). She has an extensive track record of public interest work, with a strong commitment to *pro bono* matters during her years in private practice and many activities as a judge aimed at increasing diversity on the bench and improving access to justice for vulnerable populations.

Justice Duffly currently serves as a Commissioner on the American Bar Association's Commission on Women in the Profession and is a member and past president of the National Association of Women Judges. She has served on the Boston Bar Association's committees on *pro se* litigation and attorney volunteerism; the Probate and Family Court's committee on *pro se* access to the courts; the American Bar Association's subcommittee on representation of children; and the Supreme Judicial Court's Standing Committee on substance abuse. Justice Duffly has written articles and taught seminars on a wide range of topics, including appellate decision-making, family law, trusts, parental rights, and ethnic and racial bias. She received the 2009 Boston Bar Association Citation of Judicial Excellence. Other honors include: 2008 induction into Massachusetts Lawyers Weekly/Women's Bar Association Women of Justice; 2007 Trailblazer Award from the National Asian Pacific American Bar Association; 2004 Distinguished Jurist Award from the Massachusetts Association of Women Lawyers; and 2000 Distinguished Service Award from the Probate Judges Association.

Justice Duffly is a graduate of the University of Connecticut (B.A., Highest Honors, 1973) and Harvard Law School (J.D., 1978). She was born in Indonesia and immigrated to the United States with her family at the age of six. She is a resident of Cambridge. She is Governor Patrick's fourth nomination to the state's highest court, following his 2007 nomination of Justice Margot G. Botsford, his 2008 nomination of Justice Ralph D. Gants and his recent nomination of Chief Justice Roderick L. Ireland.

GOVERNOR PATRICK ANNOUNCES NOMINATION OF RESPECTED JURIST AS ASSOCIATE JUSTICE OF THE MASSACHUSETTS SUPREME JUDICIAL COURT

BOSTON - Monday, April 4, 2011 - Governor Deval L. Patrick today announced the nomination of Appeals Court Justice Barbara A. Lenk to serve as an Associate Justice of the Massachusetts Supreme Judicial Court (SJC). Justice Lenk, the senior Associate Justice on the Appeals Court and a former Superior Court judge, is slated to fill the vacancy created by the retirement of Justice Judith A. Cowin.

"I am honored to nominate Justice Lenk to the Supreme Judicial Court," said Governor Patrick. "She is a brilliant and thoughtful jurist, with a deep sense of justice. Justice Lenk will continue to make extraordinary contributions to the Commonwealth and our judicial system as a member of our highest court."

Justice Lenk has served the Commonwealth as a member of the judiciary for over 17 years, beginning with her 1993 appointment to the Superior Court. She joined the Appeals Court as an Associate Justice in 1995. From 1979 to 1993, Justice Lenk was a civil litigator at the Boston firm of Brown Rudnick Freed & Gesmer, where she was a partner and member of the Executive Committee for six years. Justice Lenk has been a leader in many professional and community activities, including serving as co-president of the Boston Inn of Court, chair of the Massachusetts Appeals Court Personnel Committee and a member of several other court management committees. She is a member of the Board of Trustees and chair of the Academic Affairs Committee at Western New England College. Justice Lenk is currently the vice president for Adult Education and member of the Board of Directors for Congregation Kerem Shalom in Concord. She is a frequent lecturer and panelist on legal matters, and is a former Chair of the Board of Editors of the Boston Bar Journal.

Justice Lenk is a graduate of Harvard Law School (J.D., 1979), Yale University (Ph.D., 1978) and Fordham University (B.A., *magna cum laude*, 1972). She is a resident of Carlisle, Massachusetts. Justice Lenk is Governor Patrick's fifth nomination to the state's highest court, following the nominations of Justice Margot G. Botsford (2007), Justice Ralph D. Gants (2008), Chief Justice Roderick L. Ireland (2010) and Justice Fernande R. V. Duffly (2010).

7.25.11 State of Black Boston

Governor Deval L. Patrick

"State of Black Boston" Conference

Hynes Convention Center, Boston

Monday, July 25, 2011

Thank you very much, thank you so much Darnell for your friendship, your leadership, and your reminder that I have to keep an eye on the time over here - I notice that I am the first person brought to the podium to whom that was pointed out . So I will try to be brief. I want to welcome back to Boston Mark Morial, Mark thank you for your leadership. I want to tell you on behalf of all of us in the Commonwealth how excited we are that the National Urban League Conference is coming right here to Boston this year. It's a very different Boston than the last time we were here back in 1976, so I want to welcome you back.

Back in 1976 I was a junior in college here, and I came to Massachusetts in 1970 from the South Side of Chicago, which I think most everybody here knows. When I first came here to go to Milton Academy, that to me was like landing on a different planet. The campus was a relatively safe and comfortable place to be, friendly enough, but you never knew then what you were going to get when you went off-campus. The city, between 1970 and really including up to 1976 was totally engrossed, involved, and riveted over the question of public school busing. Today, Boston is smarter, more diverse, younger, more dynamic, prettier in many respects. There are places that my niece and her pals hang out in the city that were just totally off-limits back in 1976. Heck, in a state with six point six percent of the population who are African-American, we even have a black governor, the first in Massachusetts. And the first in America ever re-elected.

But you know what, some of the things you get in these jobs, the most interesting introductions, people often exaggerate your accomplishments and so on, as part of the public life I guess, but the most touching and in some ways provocative introduction I was ever given was by Governor Wilder, who was the first African-American elected as a governor of a state in the United States. He said to me, in the beginning of the introduction, "You know, people always point out how I'm the first." He said being the first doesn't mean a thing unless there's a second. Doesn't mean a thing. The important part is that we owe a generational responsibility to do what we can, to leave things better for those who come behind. It can't be just about our own accomplishments, our own goals, but what moments, what accomplishments do we enable for the next generation. And that's why the cause that we have been focusing on, our generational responsibility, that's why we get it, that's why Massachusetts is number one in the nation in student achievement, in the top ten in the world in math and science, that's why today we are number one in

health care with over ninety-eight percent of our residents insured, ninety-nine point eight percent of children, it's why we're number one in the nation in investitures and clean energy initiatives, it's why we're growing jobs faster than forty-six other states, it's why our state's GDP is growing twice as fast as the national growth rate, it's why for the first time in twenty years young people and families are moving into the Commonwealth faster than they're moving out.

None of that is happening by accident: we're getting those results because we have a strategy. It isn't just about how we trim government, cut programs; we don't beat up on unions as some in other places do and then wait and hope that that'll start to talk. We are driving to a better place through a strategy based on education, innovation, and infrastructure. Education because it's our calling-card around the world: it's what we are best known for, it's our national resource. Our well-educated work force, our reverence for intellectual capacity. And so we have invested in the public schools at the highest levels in the history of the Commonwealth ever single year since I've been in office, even when the bottom was falling out of everything else.

There are hands-full of industries that depend on a highly-educated work force. Innovation industry, like the life sciences and biotech, like clean energy where we've seen a sixty percent growth rate in the last few years, again during the worst economy in living memory. And because we are making more of the things we are inventing here in Massachusetts, precision manufacturing is coming back. So education, then innovation, and finally infrastructure. The unglamorous work of governing but essential to everything else: it's the black mark for future growth, and it's creating jobs right now. Roads, rail, bridges, draw bridge expansion, public and affordable housing investments, building up our public college and university campuses again. As I say, the unglamorous work of government, but it has been neglected for a very, very long time and we're trying to turn that around.

We're doing everything we can while pursuing this strategy to make sure that everyone is a part of our renaissance. There's been a twenty-two percent increase in state procurement with minority-owned businesses; ten percent of managers in state government are now minorities; new tools now through legislation and new resources through the Race for the Top, to reach the kids who are stuck in the achievement gap in schools all across the Commonwealth: poor children, children with special needs, or who speak English as a second language. A disproportionate number of whom are children of color. You know that it's educational and economic issue to have an achievement gap at all. But to let it go to be eighteen years we have us a moral question, those are our children too. And now we have the tools to be able to reach those children as well.

We have a lot more work to do. But there's a framework for that work. It is with that generational responsibility, and it's about understanding our role in the community. When I was growing up on the

South Side of Chicago as I have told many of you in this room before, it was a time when every child was under the jurisdiction of every single adult on the block. You messed up down the street in front of Mrs. Jones', she would straighten you out as if you were hers and then call home, so you'd get it two times. What those adults would try to get across to us was that they had a stake in us, and that membership in a community is understanding the stake that each of us has, not just in our own dreams and our own struggles but in our neighbors' as well. If we keep that sense of community alive, if we make it an integral part of the work we are doing at the practical policy level in government and with the private sector, and between is the best of government, I'm confident our best days are ahead. God bless you all and thank you for the work you do.

GOVERNOR PATRICK SIGNS ANTI-HUMAN TRAFFICKING LEGISLATION

Drastically increases punishment for offenders, protection for victims



Governor Patrick joins Attorney General Martha Coakley, House Speaker Robert DeLeo, Suffolk County District Attorney Daniel Conley and others at the bill signing. (Photo: Eric Haynes/Governor's Office)

BOSTON – Monday, November 21, 2011 – Governor Deval Patrick today signed into law H. 3808, “An Act Relative to the Commercial Exploitation of People,” which strengthens protections for victims of human trafficking and prostitution and increases the punishment for offenders by carrying a potential life sentence for traffickers of children.

“I thank the legislature and the Attorney General for making this critical legislation a priority this session,” said Governor Patrick. “I am proud to sign into law this bill that will protect innocent victims and give Massachusetts the tools to prosecute the criminals committing these egregious crimes to the fullest extent.

“Human trafficking is a real issue, impacting innocent children, women and men across the

Commonwealth,” said Lieutenant Governor Timothy Murray, Chair of the Governor’s Council to Address Sexual and Domestic Violence. “We thank the state legislature, Attorney General Coakley, advocates and other stakeholders who made their voices heard on behalf of victims exploited by these horrific acts.”

With the Governor’s signature, the legislation establishes the state crime of human trafficking for sexual servitude. Defined as intentionally subjecting, enticing, harboring, transporting or delivering another with the intent that the person engage in sexually explicit performance, production of pornography or sexual conduct for a fee or benefiting from sexual conduct of another, human trafficking for sexual servitude is now punishable by a mandatory-minimum term of five years, with a potential maximum sentence of up to 20 years, and a fine of up to \$25,000. Human trafficking for sexual servitude involving a victim under 18 carries a potential maximum sentence of life in prison. A business entity convicted of human trafficking for sexual servitude may be fined up to \$1 million.

“Today, we take a major step toward ending the exploitation of children and other victims in our Commonwealth,” said Attorney General Coakley. “As it should now be clear, these crimes aren’t only occurring in other countries and other states, but right in our own communities. I want to thank Governor Patrick for signing this bill into law to give us the tools to combat these egregious crimes while offering critical services to victims. I would also like to thank Senator Montigny and Chairman O’Flaherty for sponsoring this bill. Finally, I want to thank the many survivors of human trafficking who shared their personal stories to help other victims---their voices helped this new law become a reality.”

In response to the growing use of the internet as a human trafficking tool, the legislation will establish enticing a child to engage in prostitution, human trafficking or commercial sexual activity by electronic communication a crime, punishable by up to five years in state prison or a fine of \$2,500 or both. A second or subsequent offense is subject to a mandatory five-year sentence and a fine of not less than \$10,000.

The legislation requires the Department of Children and Families (DCF) to provide comprehensive services to all victims of child sexual exploitation, including state-funded social and legal services.

“This legislation gives the Commonwealth vital tools to assist victims of trafficking,” said Secretary of Health and Human Services Dr. JudyAnn Bigby. “With the Governor’s signature today, the Department of Children and Families will provide comprehensive services that will protect and support people who are sexually exploited, including children.”

The legislation requires DCF to provide an advocate who would accompany a sexually exploited child to all court appearances. The bill allows the DCF Commissioner, subject to appropriation, to contract with non-governmental organizations with experience working with sexually exploited children to provide training to law enforcement, in order to assist the police and prosecutors in interacting with and obtaining services for sexually exploited children.

“With this bill, the Commonwealth is taking another important step in ensuring the safety of our children,” said DCF Commissioner McClain. “It is incumbent upon all of us to protect and care for these victims of exploitation. The Department of Children and Families is proud to offer comprehensive services, support,

and advocacy for these children and youth.”

The legislation also amends the definition of a "Child in Need of Services" to include a sexually exploited child, and it allows for the "safe harbor" of sexually exploited children from prosecution for certain sex crimes. The court with jurisdiction over the case can require the child to comply with services in exchange for non-prosecution.

“If you’re going to engage in the unthinkable exploitation of children and other people, you’re going to pay the price,” said Senate President Therese Murray. “This legislation lays out serious punishments to help prevent human trafficking. It is the result of a lot of good work from human rights advocates, the legislature, especially Senator Montigny who has put in so much time and effort, and the attorney general. Massachusetts was one of only a few states without such a law, and I’m glad we got it done.”

The legislation will create a Victims of Human Trafficking Trust fund, funded from assets seized and forfeited from the crimes established under the bill, and allows DCF to apply to the victim and witness assistance board for grants from the Trust Fund to provide services to the victims.

“As legislators, it is a priority to ensure the safety of people across the Commonwealth – especially those who are most vulnerable,” said House Speaker Robert A. DeLeo. “No one should have to experience the utter horror of being sold into a life of exploitation; it is simply unjust. This anti-human trafficking legislation will sharpen law enforcement’s ability to take action on instances of this despicable practice in Massachusetts.”

The legislation also targets the new crime of organ trafficking. Recruiting, enticing, harboring, transporting, delivering or obtaining by any means another person with the intent to have an organ or body part removed for sale or benefiting from organ trafficking – is punishable by up to 15 years in state prison or a fine of \$50,000 or both. Organ trafficking involving a child under 18 is punishable by a mandatory sentence of five years.

“This is the most important piece of legislation I have passed since joining the Senate,” said Senator Mark Montigny, author of the legislation. “I filed the original bill six years ago. During this time I have continually fought for a bill that would protect victims and survivors of this horrific crime. While the wait has been frustrating, at least we can say to those who have been wronged that a great bill has finally been passed, which is going to make a difference. We cannot repair the spirits that have been broken, but we can provide services for those victims that need help recovering, and prosecute the traffickers to the fullest extent of the law.”

“Passing this bill into law will move our Commonwealth to the forefront of the fight against the horrors of human trafficking,” said Senator Bruce Tarr. “Now we will have modern and effective tools to confront the people who profit from enslaving others.”

Finally, the legislation will create an interagency task force, chaired by the Attorney General, to address all aspects of human trafficking, including sex and labor trafficking. The 19-member interagency task force will address all aspects of human trafficking. The task force includes the Secretary of Public Safety and the Colonel of the State Police, two police and one district attorney representative, representatives from

several other state agencies, and eight gubernatorial appointees representing various areas of expertise or interest groups.

"It is so sad that many people don't even realize this is happening right here in Massachusetts," said Senator Jennifer L. Flanagan. "I was very proud to have served on this vitally important conference committee. We are sending a very stern message with this legislation that this type of activity will not be tolerated. Again, I am so proud of the Legislature for acting on this bill and for sending it to the Governor."

"Human trafficking is an insidious offense, and this new law will provide law enforcement with the tools they need to prosecute those who engage in and profit from it," said Senator Cynthia Creem. "I am also very pleased that the law will offer 'safe harbor' and social services to child-prostitutes, recognizing that they are victims – not criminals."

"I am so thrilled this urgent and important piece of legislation has been signed into law," said Representative Sheila Harrington. "As a conference committee, we worked hard so that this bill would ensure the protection of the people of the commonwealth against these criminals."

"I hope that this legislation will help us put a stop to the horrendous industry of human trafficking, and that it will provide pathways to a better life for those of our youth that have been compelled and lured into being commercially sexually exploited," said Representative Liz Malia.

"Massachusetts now has the most comprehensive human trafficking laws in the country," said Representative Eugene L. O'Flaherty. "This bill gives law enforcement and prosecutors the tools they need to combat this issue that is often hidden from society and provides victims, particularly young children, with the safety and services they need to get their lives in order. The Legislature has no sympathy for those who prey upon others and these individuals will face harsh penalties and sex offender registration requirements."

GOVERNOR PATRICK SIGNS TRANSGENDER EQUAL RIGHTS BILL



Governor Patrick joins advocates and legislators for a ceremonial bill signing of H.3810, “An Act Relative to Gender Identity.” (Photo: Eric Haynes/Governor’s Office). View additional [photos](#).

BOSTON - Wednesday, November 23, 2011 – Governor Deval Patrick today signed H.3810, “An Act Relative To Gender Identity,” historic legislation to legally protect transgender individuals from discrimination in housing, education, employment and credit. The new law, signed at the State House today, also provides additional civil rights and protections from hate crimes.

“No individual should face discrimination because of who they are,” said Governor Patrick. “This legislation gives Massachusetts the necessary tools to stop hate crimes against transgender people and to treat others fairly. I am proud to sign it.”

“Massachusetts strives to be an inclusive Commonwealth, and this new law acknowledges that discrimination against any person will not be tolerated,” said Lieutenant Governor Timothy Murray.

The transgender equal rights law will make Massachusetts the 16th state to treat transgender citizens as a protected class. The law modifies language in Massachusetts statute to protect all individuals from discrimination, regardless of gender identities. This change will create equal protections for transgender

individuals seeking employment, housing, credit and education. There are approximately 33,000 transgender residents living in Massachusetts.

The new law will also increase the state's ability to prosecute criminal conduct in the form of hate crimes against transgender individuals, a community that has historically experienced disproportionate levels of harassment and violence.

"Today is another step toward ensuring equal protections for all citizens and eradicating discrimination in our Commonwealth," said Attorney General Martha Coakley. "For too long, transgender people have suffered in silence in seeking employment, safe housing and educational opportunities. With the signing of this bill, Massachusetts has created a better, and fairer, future for all residents, regardless of their gender identity or expression."

"This bill provides protection in employment, housing, credit and education to transgender people," said House Speaker Robert A. DeLeo. "I am proud that Governor Patrick is supporting this important civil rights milestone."

"This bill is about making sure that our anti-discrimination and civil rights laws protect all victims," said Senator Benjamin B. Downing. "For too long the 33,000 transgender residents in Massachusetts have gone without these protections. Thanks to this step that will no longer be the case."

"The passage of this bill is going to make an immediate difference in the lives of the state's transgender residents, who desperately need anti-discrimination protections in housing and employment. I have been so moved by the courage of constituents who've shared their stories with lawmakers and shown the critical need for these civil rights protections," said Representative Carl Sciortino. "I am incredibly grateful for the leadership shown by Governor Deval Patrick and House Speaker Robert DeLeo, both early supporters of the bill, as well as that of House Judiciary Chair Eugene O'Flaherty and my fellow House sponsor State Representative Byron Rushing. And, of course, I am grateful to all of my colleagues who voted for passage of this important legislation. With the passage of this legislation, we have taken an important step forward in making Massachusetts a better place for all of its residents."

"Governor Patrick has been a powerful, eloquent and determined champion of lesbian, gay, bisexual and transgender equality, and we applaud him for signing the Transgender Equal Rights Bill. Leading up to today's signing, Governor Patrick's campaign platform called for transgender equality; he transformed our state government in the early days of his second term with an executive order prohibiting anti-transgender discrimination in state hiring practices; and he used his leadership post to speak out early, often and everywhere about the need for justice and equality for everyone in our Commonwealth, including our transgender community members," said MassEquality Executive Director Kara Suffredini. "We are grateful for Governor Patrick's latest action in a long-standing effort to create a Commonwealth where all hardworking people, including transgender people, have the opportunity to make a living, put a roof over their heads and get an education without fear of being discriminated against simply because of who they are."

"I greatly appreciate Governor Patrick's leadership and commitment to transgender youth, adults and their

families in being treated fairly and equally in this state by his swift signing of this bill,” said Gunner Scott, executive director of the Massachusetts Transgender Political Coalition. “This law will make a significant difference in the lives of transgender youth and adults across the state who need jobs, a safe place to live and a quality education.”

1.19.12 Gender Identity Ceremonial Bill Signing

Deval L. Patrick

Gender Identity Ceremonial Bill Signing

Senate Reading Room, State House

Thursday, January 19, 2012

Welcome to the State House, your house. I'm proud that you're here. And look what you did. Look what you did. This is what comes from turning to each other rather than on each other.

I'd like to thank Senate President Therese Murray, Speaker of the House Bob Deleo, and the members of the legislature, the constitutional officers who are here today, each of whom showed what for you may seem like a simple gesture of grace, but was in fact also an act of political courage. And I want to acknowledge and thank all of them.

Today would not be possible without the work of the Massachusetts Transgender Political Coalition made up, as you know, of MassEquality, GLAD, the Massachusetts Gay and Lesbian Political Caucus, and so many others. All of you embodying that coming together. I want to thank you all for being a symbol of strength, a force to be reckoned with. Remember that because this isn't the last fight. Thank you for being a reminder of the unfinished business in the department of doing right here in the Commonwealth.

I am proud to be here today to celebrate An Act Relative to Gender Identity. This act will extend critical protections, as you all well know, to transgender residents seeking housing, employment, education and protection from hate crimes.

I sign this bill as a matter of conscience. No individual should face discrimination because of who they are. And for that reason, this legislation is an achievement, not only for transgender people, but for all of those who stand up for and care about respect for basic human dignity.

I sincerely want to thank you. I want to thank you for helping to get this bill turned from an idea into law. I want to thank you for being an example for what it means when people decide to make advocacy personal. When they decide that you do in fact have all the power you need to make all the change you want if you work together. That's an enormously important reminder to those of us who work for you in public service.

God bless you all and congratulations.

6.20.12 GLBT Youth Commission Hearing

Governor Deval L. Patrick

GLBT Hearing - As Delivered

Gardner Auditorium, State House

Wednesday, June 20, 2012

Good afternoon everyone. Thank you to the presiding chair, all the members of the Commission, the members of the legislature, and the Administration who are here. I thank you for inviting me to testify this afternoon. I want to thank the Commission for your service, each and every one of you; you're an important partner of our Administration's and the work that we do to assure that all young people have the chance to thrive.

We are proud to be home to the very first Commission of this kind anywhere in America, you should be proud of that too. And I want to thank you, all of you current members representing twenty years of service, for those who have served on the GLBT commission.

My Administration is committed to working with the Commission to support GLBT youth. In 2010, with the support of the legislature, we enacted a landmark anti-bullying law to empower and educate students and make schools safer. Last year we launched a Safe and Successful Youth Initiative under Secretary Anderson Chase to work with specific communities affected by high levels of violence to ensure better services and the resources to respond.

Earlier this year, we signed the Gender Identity Bill to extend critical protections to transgender residents, in housing, employment, education and protection from hate crimes. We are working to assure equal accommodations for transgender students in schools and the Department of Elementary and Secondary Education has moved swiftly to amend regulations to protect all students regardless of their gender identity and expression. We have developed a number of community based programs at the Department of Public Health to provide support and guidance for at risk GLBT youth.

We do what we do, as a matter of conscious. It is not politics. It is not abstract policy. It is about people. No individual should face discrimination and mistreatment because of who they are. Our work is motivated by respect for basic human dignity.

I want to thank, in that spirit, Secretary Bigby and her team at the Executive Office of Health and Human Services, and Secretary Reville and his team at the Executive Office of Education for the diligence and dedication they bring to these efforts.

They know as well as the Commission that there is a great deal more work to do. I understand that you heard from Secretary Bigby earlier today on some of the unique challenges that GLBT youth face. It troubles me that gay, lesbian and bisexual and transgender youth are more likely to experience bullying or violence in school. It troubles me that they have higher rates of substance abuse and attempted suicide. And it troubles me that still too many people see these issues as secondary or marginal. All young people, all young people, deserve the chance to feel welcome and supported in our schools and our communities. Yes, we have more work to do.

To the members of the GLBT community here today, I want you to know that we respect you, we support you, and we are here for you in each and every way that we can be.

In that spirit, we will continue to promote healthy environments for all youth. We will continue our efforts to end violence and bullying. We will continue to encourage safe spaces where young people can receive support from caring adults. We will continue to provide health education and services to meet the needs of the GLBT population and we will continue to affirm the dignity of every human being.

I look to this commission, to the GLBT community and to the citizens everywhere to help us do the right thing. Thank you all for bringing us together and I look forward to the Commission's forthcoming report.

10.11.12 Remarks at Empire State Pride Agenda's 2012 Fall Dinner

Governor Deval L. Patrick

Empire State Pride Agenda's 2012 Fall Dinner

Thursday, October 11, 2012

Sheraton Hotel and Towers, NYC

Thank you, Louis, for that warm introduction.

Thank you to Justin and Maura for hosting tonight.

And thank you to tonight's honoree Judith Light for your leadership, to be so deservedly recognized in just a minute.

Good evening, ladies and gentlemen. I want to thank you, too, for having me, but most especially for caring about the work of the Empire State Pride Agenda. I share your joy in the year's successes and your determination to win tomorrow's battles. But above all, I want to say a word about common cause.

I grew up on the South Side of Chicago in the fifties and sixties, most of the time on welfare. I lived with my mother and sister, and various other occasional relatives, in my grandparents' 2-bedroom tenement. My mother, sister and I shared one of those bedrooms and a set of bunk beds, so we'd rotate sleeping on the top bunk, the bottom bunk and the floor – every third night on the floor. I went to big, broken, segregated, overcrowded, sometimes violent public schools. I can't remember a time when I didn't love to read, but I don't remember owning a book of my own until 1970, when I was 14 years old, and won a scholarship to Milton Academy, a famed old boarding school outside of Boston.

There were a lot of things we didn't have in my old neighborhood. But one thing we did have was a community. That was a time when every child was under the jurisdiction of every single adult on the block. If you messed up in front of Mrs. Jones's down the street, she'd go upside your head as if you were hers -- and then call home, so you'd get it two times. Despite what so-called conservatives would have you think, there was a lot of emphasis on personal responsibility and hard work. But those adults also wanted us to understand that a community is about seeing your stake in your neighbors' dreams and struggles, as well your own.

I don't remember much talk about guys or gals being "out" – or even about being "in." Our struggles seemed to be about poverty and racism. But there was a sense that social justice was a matter of

common cause, that everybody had a stake in that.

When I was about 10 years old, the Supreme Court ruled in Loving v. Virginia, striking down laws that prohibited blacks and whites from marrying. It didn't touch me directly, but I remember understanding the decision was rooted in the principles of fairness and equality, and that even if that decision wasn't about my present choices, it was still about me. I came to understand that just as it took a community to help me rise from the South Side of Chicago to law school, to the executive ranks of Fortune 500 corporations, and to the Massachusetts State House, it took a community to win equality in that case and many more, to make America better.

These lessons and experiences have helped shape my approach to governing. I believe that government can be a powerful community if it chooses to be, and that it is the job of those of us who serve to actually care about the people we serve. I understand that the struggles of the LGBTQ community are my struggles too. I have a stake in fighting for you and your families because it could just as easily and quickly be my family on the line next.

By the time I came into office in 2007, the Goodridge decision had been law for three years. I was then and am now proud of the fact that Massachusetts was the first to affirm marriage equality, and am able to assure others that in the time since, the sky has not fallen and the earth has not opened to swallow us up. Instead, thousands and thousands of good people – people who contribute to the well-being and vitality of our society – have been free to marry whomever they love. Just as they do in New York now, the people of Massachusetts come before their government as equals.

But the waters had not yet calmed. A constitutional amendment to ban marriage equality was brewing. That very first spring, we beat that back. The next year I signed a bill repealing a centuries old law -- revived by Gov. Romney and others to frustrate marriage equality -- that barred out-of-state couples from marrying in Massachusetts. Then we enacted legislation to grant same-sex couples the same access to Medicaid benefits as heterosexual couples. Last year I signed legislation to extend critical protections to transgender residents seeking housing, employment, credit or post-secondary education and to expand the state's hate crimes statutes to include violence perpetrated against transgender men and women.

Why do we push back against the small-mindedness and the misconceptions and the hate?

Because in a community, **your struggle is my struggle, and my struggle is yours.**

Because, as Dr. King taught us, "injustice anywhere is a threat to justice everywhere." It's never wrong to stand for the principle that people come before their government as equals.

I just didn't always realize how personal this was.

Our youngest daughter tells the story about that day in June 2007 when lawmakers voted down once and for all the constitutional amendment banning marriage equality. A spontaneous celebration erupted outside the State House. While I stood before the crowd on the front steps thanking them for their advocacy and their support, Katherine watched from the crowd. She said later she felt proud of me because of how I fought so publicly for something that didn't affect me. It turned out, in the end, that it did. A few months later, she came out to her mom and me. Katherine's struggles are mine, and mine are hers. That's the way it is in a family – just like in a community.

So the question we must ask ourselves now is this: will we be there for the next struggle? Will you join the next fight for freedom and equality? Even in another state?

More than that, will you join the fight for religious freedom? For racial justice? For basic fairness in the criminal justice and immigration systems? Against the kind of poverty and inequality that is crushing the urban poor and dispiriting the middle class? Will you make your neighbors dreams and struggles your own?

These are not existential questions. In a few weeks' time, we will choose between two very different visions for our country. One maintains that each of us is on his or her own. It turns its back on the left out and left back, and says in essence: "I've got mine, get yours." The other recognizes our common destiny and our common cause, and asks us to turn to each other rather than on each other. One and only one of these competing visions has a place for community.

At the Democratic National Convention last month, I told a story about the Orchard Gardens Elementary School in Boston. Thanks to an infusion of new ideas and tools, and a little new money, this once chronically underperforming school is in the midst of a profound transformation. In less than a year, proficiency measures at Orchard Gardens improved 70 percent. The school has gone from one of the worst schools in the district to one of the best in the state.

At the end of my visit a year and a half ago, the first grade — led by a veteran teacher — gathered to recite for me. After a short poem about multicultural tolerance, they recited much of the "I Have A Dream" speech. When I started to applaud, the teacher said, "not yet." Then she began to ask those 6- and 7-year olds questions: "What does 'creed' mean?" "What does 'nullification' mean?" "Where is Stone Mountain?" And as the hands shot up to answer her questions, I realized that she had taught the children not just to memorize but also to comprehend what they had recited.

The part I left out of the Orchards Gardens story when I told it at the Convention is this: This past February, twenty first-graders from Orchard Gardens arrived in Washington on what was for most of them

their first flight on an airplane. They went to practice reciting the “I Have A Dream” speech one more time, this time under the towering monument honoring Martin Luther King, Jr. on the National Mall. Later that afternoon, they, along with their bashful principal, and their dynamic, loving teacher went to the White House to recite for the President of the United States.

Watching them run around the South Lawn, burning off nervous energy while they waited, or gawking at the unfamiliar splendor of the interiors, or asking where the bathroom is, or staring in bug-eyed disbelief when President Obama entered the Diplomatic Reception Room, they could have been any 6- or 7-year olds. And yet I am certain that they felt important that day simply because someone made them feel worthy. It was extraordinary that that someone was the President of the United States. But what matters most is that *someone* made them feel worthy, that someone had a stake in their dreams and struggles.

If we are to be a national community, with common destiny and common cause, then we must see those children as our children, yours and mine; their struggles as our struggles. For this country to rise, they must rise -- and we have a common stake in that.

So, I celebrate Pride Agenda and its victories for social justice in the LGBTQ community. But I also ask you to see your stake in the broader struggles, too – and to act on it.

10.18.12 National Association of State Minority, Women and Disadvantage Business Enterprise Remarks

Governor Deval L. Patrick

First Annual Meeting of the National Association of State Minority, Women and Disadvantaged Business Enterprise Program Directors

Doubletree Hotel by Hilton, Boston

Thursday, October 18, 2012

Good evening. Thank you, Ron, for the warm introduction and for your service as head of our Office of Access and Opportunity.

Welcome to Massachusetts, ladies and gentleman, and to the First Annual Meeting of the National Association of State Minority, Women and Disadvantaged Business Enterprise Program Directors. We appreciate all that you do.

In the last 6 years, since I've been in office, the Commonwealth has emerged as a leader in creating access and opportunities for minority and women-owned businesses.

Since the beginning of my Administration, state spending with minority firms has increased nearly 90 percent, and state spending with women-run firms has increased by about 120 percent. We have also implemented policies and programs to ensure diversity in both the people we hire and the goods and services we procure.

To achieve this, we consolidated various agencies to better integrate procurement and supplier diversity efforts.

Our Office of Access and Opportunity – under the leadership of Ron Marlow, oversees and coordinates personnel and procurement diversity efforts.

Procurement Officers in each Executive Branch agency are now responsible for keeping all state agencies invested and engaged on supplier diversity.

And we continue to push these objectives in new initiatives. For example, in new legislation to expand gaming in our state we secured language to extend supplier diversity requirements, meaning licensed casinos will have to adopt and report on supplier diversity objectives and outcomes.

We've staffed state government to reflect the diversity of our Commonwealth, too. Under Governor Romney, 3.6 percent of the Governor's office staff were minorities. Today minorities represent 26.2 percent of my staff – a 627.8 percent increase!

11.2 percent of Executive Branch managers were minorities under Governor Romney.

Today that number is 16.2 percent, a 46 percent increase.

We've increased the role of women in our state government as well. On the Governor's Office staff by 22.7 percent, and in Executive Branch management roles by 46 percent. Today, 52.8 percent of all Executive Branch employees are women.

Why do we do this?

Minority-owned businesses are an engine for job creation in the Commonwealth. There are over 47,000 minority-owned firms in Massachusetts spanning the industries – high tech, health care, construction, hospitality, education, and financial services just to name a few. If we want to not just recover from the recession, but to grow economically, minority and women-owned businesses must grow.

The strategy we have pursued focuses on investing in education, in innovation, and in infrastructure. Because we have pursued it with discipline, our unemployment rate is well below the national average, our innovation economy is on fire, and we are first in the nation in student achievement, in the top five globally in math and science.

Minority and women-owned businesses participate in each prong of our strategy, and therefore share in our success.

We have a lot more work to do. But there's a reason we do what we do.

When I was growing up on the South Side of Chicago in the 50s and 60s, every child was under the jurisdiction of every single adult on the block. If you messed up down the street in front of Mrs. Jones', she would straighten you out as if you were hers -- and then call home, so you'd get it two times.

What those adults were trying to get across to us was that they had a stake in us, and that membership in a community is about understanding the stake that each of us has, not just in our own dreams and our own struggles but in our neighbors' as well. It was about what I call "generational responsibility."

If we keep that sense of community alive, if we make it an integral part of the work we are doing in and between government and with the private sector, I'm confident our best days are ahead.

God bless you all and thank you for the work you do to make your community stronger.

GOVERNOR PATRICK CELEBRATES ADMINISTRATION'S COMMITMENT TO LGBT YOUTH

Swears in new and returning members of the MA Commission on
LGBT Youth



Governor Patrick swears in new and returning members of the Massachusetts Commission on LGBT Youth. (Photo Credit: Eric Haynes / Governor's Office)

[View more photos here.](#)

BOSTON – Wednesday, January 9, 2013 – Governor Patrick today swore in new and returning members of the Massachusetts Commission on Lesbian, Gay, Bisexual and Transgender Youth and celebrated the progress his Administration has made in improving life for LGBT youth. Consistent with the Commission's previous policy recommendations, the Patrick-Murray administration has improved LGBT youth access to safe homes; expanded training and education programs for agency staff and providers that interact with LGBT youth; and recognized gender identity in the analysis of youth health and safety.

"I am proud to join the members of the MA Commission on LGBT Youth to celebrate the progress we have made in improving conditions for LGBT youth and to look ahead at the work that needs to be done," said Governor Patrick. "We do what we do as a matter of conscience – all young people should have a chance to thrive. In that spirit, we will continue to work with the Commission to promote healthy, safe environments for all youth, provide health education and services to meet the needs of the LGBT population and continue to affirm the dignity of every human being."

"Growing up as an 'out' teen on Cape Cod not long ago, there was no GSA at my high school and nearest LGBT youth resource was an hour drive away. I was fortunate – I had a supportive family and adult role models – but too many LGBT young people in Massachusetts are not," said Julian Cyr, Chair of the Massachusetts Commission on LGBT Youth. "Governor Patrick has been a true partner to the Commission and a leader for improving the lives of young people across the Commonwealth. We look forward to continuing that momentum as we work with state agencies to advance changes in service delivery and education policy to close the gaps that still persist for LGBT youth."

In June 2012, the Governor participated in the Commission's 20th anniversary public hearings for youth and adults across the Commonwealth to assess the strengths and needs of LGBT youth. While the climate for LGBT youth has improved, especially in Massachusetts due to sustained state investment in specialized health and social services, educational law and policy, and community-based advocacy, significant health disparities remain. According to the 2011 Massachusetts Youth Risk Behavior Survey, gay, lesbian and bisexual youth in Massachusetts are: seven times more likely to have attempted suicide in the past year; twice as likely to skip school because of feeling unsafe; twice as likely to have been injured or threatened with a weapon at school; and two times as likely to be bullied. They are also almost three times as likely to get pregnant or make someone else pregnant and twice as likely to report current tobacco use.

The recommendations that emerged from those hearings focus on three themes critical to LGBT youth: access to services; training and education around sexual orientation and gender identity; and nondiscrimination policies and guidance. The Patrick Administration has been working closely with the Commission to implement these recommendations. Through agency liaisons, members of the Commission are collaborating with senior managers at respective agencies to close gaps in access, training, and non-discrimination.

Thanks to the strong partnership between the Administration and the Commission, the following FY14 recommendations have already been met:

Department of Children and Families

Recommendation: Improve access to safe homes by identifying LGBT-friendly foster placements, hotline homes, and residential facilities.

- Identification and tracking of safe homes requires that family resource workers raise the question as part of the home study process for new foster families, and as part of the re-licensing process for continuing foster families. The Department of Children and Families (DCF) is working to update the foster parent home study form to ask families whether they would be affirming placements for LGBTQ youth.

- The Executive Office of Health and Human Services (EOHHS) has established a working group to map the resources currently available to LGBTQ youth in the Commonwealth including, but not limited to, safe homes and residential facilities. The group includes representation from the Office of the Assistant Secretary of Children, Youth, and Families at EOHHS, the Department of Children and Families, the Department of Public Health, the Department of Youth Services, the Department of Transitional Assistance, the Department of Mental Health and members of the Massachusetts Commission on LGBT Youth.

Recommendation: Provide training programs for all workers and supervisors on the issues that affect LGBT youth and adults.

- DCF has approved a revised training module for new foster parents and adoptive parents on caring for LGBTQ youth. One change includes the removal of references to “gender identity disorder” from participant and trainer guides due to changes in practice guidelines within the psychiatric establishment. The Department is partnering with community initiatives, such as Connect To Protect, to provide continued training opportunities to current foster and adoptive parents in an effort to identify appropriate placements for LGBTQ youth and increase foster and adoptive parents’ ability to properly care and support LGBTQ youth.
- DCF is implementing a new training module for new DCF supervisors and social workers on working with LGBTQ youth and adults.

Department of Youth Services

Recommendation: Continue to implement comprehensive LGBT training curriculum for staff.

- The Department of Youth Services (DYS) held two day-long trainings for senior staff in the spring, conducted by the Gay, Lesbian, Bisexual and Transgender (GLBT) Youth Support Project, a program of Health Imperatives. DYS is continuing to work with the GLBT Youth Support Project to develop of comprehensive training curriculum and training schedule for all DYS staff.

Department of Elementary and Secondary Education

Recommendation: Add a question on gender identity to the 2013 Massachusetts Youth Risk Behavior Survey (MYRBS) survey.

- DESE is including a question on gender identity in their 2013 MYRBS. This represents an important step forward that has been long advocated for by members of the LGBT community. The new question will allow data collection and analysis of trends in the health and safety of transgender students.

Recommendation: Conduct a public presentation of the results of the 2011 MYRBS to the Board of Education within the next six months.

- DESE is committed to hosting a presentation within the next six months.

Department of Early Education and Care

Recommendation: Provide LGBT cultural competency training for program providers.

- EEC held two regional conferences for early education and out-of-school time professionals, guidance counselors, crisis counselors, and others working with children and families around the issues of adoption, being in a family with LGBT parents or children, or being dual language learners. These full day conferences examined the challenges and risk factors each of these groups face, how these issues manifest in schools, and how educators can modify their practice to better serve these children and families. They were held November 19 at UMASS Amherst and November 26 at Bridgewater State and were co-sponsored by the Commission.

These actions build upon the Patrick-Murray Administration's commitment to supporting LGBT Youth.

In 2010, the Governor signed a landmark anti-bullying law to empower and educate students and make schools safer. In 2011, the Governor signed a Gender Identity Bill to extend critical protections to transgender residents, in housing, employment, education and protection from hate crimes. The Administration is currently working to ensure equal accommodations for transgender students in schools and the Department of Elementary and Secondary Education has moved swiftly to amend regulations to protect all students regardless of their gender identity and expression. The Administration has also established the Unaccompanied Homeless Youth Commission with a focus on addressing homelessness among LGBT youth population.

"The Commission and this report demonstrate that Massachusetts is well ahead of the curve when it comes to addressing the needs of LGBT youth," said Senator Stanley Rosenberg. "There is still work to be done and this report lays out the steps necessary to ensure that LGBT youth have a voice and that state government is responsive to the diverse needs of the community."

"The focus on our youth is critical. We know LGBT youth do better when their specific needs and concerns are addressed," said Representative Carl Sciortino. "I applaud the Commission for doing such a thoughtful job and look forward to working with the Administration and colleagues to implement the recommendations."

"We're excited to see Commission's latest recommendations, which particularly focus on the needs of youth who face the greatest health disparities: LGBT youth of color, transgender youth, homeless and other youth facing economic challenges," said Grace Sterling Stowell, Executive Director of the Boston Alliance of LGBT Youth (BAGLY). "As the oldest and largest LGBT youth organization in the state, we know first-hand the significant health disparities among this population. We also applaud the Patrick Administration's continued leadership and support of this most vulnerable community of young people."

"There are young people who are queer all across the Commonwealth. In holding hearings in Western Massachusetts [in June 2012], the Commission made sure that youth from all corners of the state were able to give feedback and have a voice," said Amy Epstein, Program Manager of the Holyoke Youth Task Force. "When you grow up in Western Massachusetts, or other parts of the state far from Boston, many LGBT youth feel isolated and excluded. These Recommendations, and the hearings that preceded them, acknowledge that what our youth are going through is important to state leaders."

The Commission on LGBT Youth is established by law as an independent state agency to recommend and advocate to all branches of state government effective policies, programs, and resources for LGBT youth to thrive. Founded in 1992 as the first body of its kind in the nation, the Commission has been advocating for LGBT youth wellbeing in and out of school for the past twenty years.

Members of the MA Commission on LGBT Youth

Coco Alinsug of Boston

Michel Anteby of Cambridge

Claire Berman of Watertown

Roger Bourgeois of Middleton

Carly Burton of Boston

Sean Cahill of Beverly

Julian Cyr of Truro

Kristen Davies of Hyannis

Marc Dones of Boston

Julian Dormitzer of Jamaica Plain

Emilia Dunham of Jamaica Plain

Athena Edmonds of Belmont

Chet Franczyk of West Springfield

Kirsten Freni of Winthrop

Pam Garramone of Somerville

Mara Glatzel of North Truro

Donna Harlan of Haydenville

Kathleen Henry of Jamaica Plain

Cory Hernandez of Cambridge

Thomas Hyde of Boston

Nicolas John of Boston

Rachel Kahn of Jamaica Plain

Zach Kerr of Methuen

Stewart Landers of Boston

Alisha Lemieux of New Bedford

Arthur Lipkin of Cambridge

Rebecca Liu of Cambridge

Diana Marcus of Lexington

André Morgan of Somerville

Adrienne Mundy-Shephard of Cambridge

Jonathan Nardi-Williams of Tyngsboro

Brett Nava-Coulter of Jamaica Plain

Robyn Ochs of Jamaica Plain

Susan Rees of Brookline

John Reidy of Boston

Erika Rickard of Cambridge

Cathy Samples of Jamaica Plain

Erica Scott Pacheco of Rehoboth

Brandon Sides of Amherst

Leandra Smollin of Roslindale

Grace Sterling Stowell of Cambridge

Colby Swettberg of Boston

Nicholas Teich of Newton

Ture Turnbull of Jamaica Plain

Vilma Uribe of Dorchester

Phil Veysey of Boston

Gypsy Vidal of Somerville

Ashley Waterberg of Brookline

Jason Wheeler of Everett

Alexis Yioulos of Babson Park

Alex Zafris of Boston

[Read the Recommendations](#)

LIEUTENANT GOVERNOR MURRAY ANNOUNCES QUINSIGAMOND COMMUNITY COLLEGE EXPANSION

New Downtown Worcester Location on Franklin Street Will Serve 2,000 Students and Administrators; Expands Health Care and Workforce Development and Training Programs

WORCESTER – Wednesday, February 6, 2013 – Lieutenant Governor Timothy Murray today joined New Garden Park, the 501(c)3 entity of the Worcester Business Development Corporation (WBDC), Quinsigamond Community College (QCC), and state and local officials to announce QCC's expansion to 20 Franklin Street in downtown Worcester.

"Our Administration is focused on helping Worcester reach its full economic potential, and with the expansion of QCC to Franklin Street, we're paving the way in the city's downtown district," said Lieutenant Governor Timothy Murray. "I am proud to partner with the Worcester Business Development Corporation, QCC, and the Division of Capital Asset Management and Maintenance to help revitalize another part of the city's downtown district, opening doors for students from across the region to pursue an education and training in downtown Worcester."

The new downtown location will allow QCC to relocate and expand its Allied Health programs, as well as offer expanded Workforce Development and Training, Adult Basic Education and English as a Second Language programs. The new facility will support over 2,000 students and administrators.

"The Patrick-Murray Administration is committed to helping Gateway Cities revitalize their downtown centers," said Secretary of Administration and Finance Glen Shor. "Quinsigamond Community College's expanded presence will bring the benefit of increased business to many area employers and provide a boost for economic activity and long-term growth in Worcester's downtown district."

Last week, QCC's Board of Trustees voted to approve the Division of Capital Asset Management and Maintenance's (DCAMM) recommendation to execute the lease for the new downtown location. DCAMM will secure 72,409 square feet of instructional space for use by QCC in the former Telegram and Gazette Building.

"The Division of Capital Asset Management and Maintenance (DCAMM) is excited to announce this lease agreement for the former Telegram & Gazette building," said Commissioner Carole Cornelison. "This proposal relocates and expands Quinsigamond Community College's health care and workforce development programs to downtown Worcester - serving more than 2,000 students and employees. The Patrick-Murray Administration is committed to furthering our economic partnership with the city of Worcester and Quinsigamond Community College's new downtown presence will play a vital role in the revitalization of this Gateway City."

"This expansion by QCC is the latest sign of the growing importance of our public colleges and universities in preparing the state's future workforce," said Richard M. Freeland, Commissioner of Higher Education. "It will enhance our ability to prepare students for the jobs of the future."

"Fifty years ago, Quinsigamond began with 278 students in space borrowed from Holy Cross. Today, the college serves over 11,000 students. This facility will help the college support the dreams of even more Worcester residents," said Ms. Stacey DeBoise Luster, Chair of the QCC Board of Trustees.

"I commend the QCC Board of Trustees for their courage and leadership that has enabled us to take this bold step," said Dr. Gail E. Carberry, president of Quinsigamond. "They have created a fiscal plan with our administration that has enabled this lease to move forward, despite the challenging fiscal times we've seen."

"We view this new lease with QCC as more than a landlord-tenant relationship – it is a long-term partnership," said Craig Blais, President & CEO of the WBDC, "The redevelopment of the former Telegram & Gazette building is the cornerstone project for the revitalization of this critical portion of our downtown. QCC's presence at 20 Franklin Street will bring a renewed sense of activity to our downtown neighborhood, providing new programmatic connections to our various downtown institutions."

"As Senate Chair of the Committee on Higher Education and a member of the Committee on Labor & Workforce Development, I understand the relationship between our community colleges and a thriving workforce," said Senator Michael O. Moore. "Everyday community colleges, like Quinsigamond Community College, teach students the skills necessary to be competitive in the 21st Century. Innovations at our community colleges, like the Health Care and Workforce Development Training Center, will continue to ensure that the Commonwealth remains an attractive destination for businesses and provide them with a skilled workforce."

"This project will provide for much needed additional space and technological improvements, and will greatly compliment the city's ongoing expansion plans for downtown Worcester," said Senator Harriette Chandler.

"I am pleased and grateful that the Board of Trustees and President of our Quinsigamond Community Colleges see Downtown as the right location for their strategic growth. Music to my ears," said Worcester City Manager Michael V. O'Brien. "Their commitment allows the City to work side by side with our partners at WBDC and bring 20 Franklin Street back to life with over 2000 new students and faculty. The life and vitality from these new "feet on the street", combined with the positives underfoot within CitySquare, the Theatre District, at MCPHSU, and private investment throughout Downtown, set the right table and mix for our long-term success."

Building on the Patrick-Murray Administration's ongoing support for investing education, Governor Patrick has proposed bold investments at all levels of the Commonwealth's education system including higher education, quadrupling the amount of direct financial aid to students through the MASSGrant program and increasing support to our public campuses to enhance student services and help make college more affordable for students and families in Massachusetts. To learn more about the Governor's budget recommendations, visit www.mass.gov/governor.

GOVERNOR PATRICK IS RECOGNIZED FOR GROWING DIVERSITY IN STATE GOVERNMENT

BOSTON – Thursday, May 23, 2013 – Governor Deval Patrick Tuesday was recognized for his Administration's efforts to create a state government that reflects the diversity and inclusiveness of communities throughout Massachusetts at the Commonwealth Compact's 5th Anniversary celebration. Under Governor Patrick's leadership, over one quarter of executive branch employees are people of color and over half are women.

During his first month in office, Governor Patrick signed Executive Order 478 which reestablished the Commonwealth's commitment to hiring a diverse workforce by promoting inclusion in hiring and board appointments, and providing enhanced access to state services and contracts for all Massachusetts residents. That executive order also outlined a specific process to implement the hiring of people with disabilities, resulting in the creation of the Disability Task Force to establish and implement best practices for recruiting, hiring and promoting persons with disabilities.

As Massachusetts' presence in the global economy continues to grow, the Patrick-Murray Administration has focused on ensuring that all of the Commonwealth's residents have a place in expanding and strengthening our economy for future generations. State business with minority-owned and women-owned companies has increased by over 40 percent overall; 16 percent for minority-owned businesses and 51 percent for women-owned companies, since Governor Patrick took office. There has been a 10 percent increase in women and a 57 percent increase in minority individuals in Executive Branch managerial positions, since 2007, and a 25 percent increase in women and a 207 percent increase in minority individuals serving as senior managers within state government during that time. Minority-owned businesses continue to be an engine for job creation in the Commonwealth, with over 47,000 minority-owned firms in Massachusetts spanning multiple industries including high-tech, health care, construction, hospitality, education and financial services.

About Commonwealth Compact:

Commonwealth Compact was created in 2008 by Steve Crosby, then Dean of UMass Boston's McCormack Graduate School, with the help of former Suffolk County District Attorney, Ralph Martin, and former Boston Globe publisher, Steve Ainsley. Its mission is to establish Massachusetts as a uniquely inclusive, honest and supportive community of - and for - diverse people. Commonwealth Compact is committed to increasing, retaining and promoting the representation of people of color and women throughout their organizations.

Appendix B:

Legislation and Other Government Documents

THE COMMONWEALTH OF MASSACHUSETTS
COMMISSION ON LESBIAN, GAY, BISEXUAL, AND
TRANSGENDER YOUTH

ANNUAL POLICY
RECOMMENDATIONS
FY2014



JANUARY 9, 2013

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LETTER FROM THE EXECUTIVE COMMITTEE

The Massachusetts Commission on Lesbian, Gay, Bisexual, and Transgender (LGBT) Youth is established by state law as an independent agency of the Commonwealth. The purpose of the Commission is to make recommendations to all branches of state government and advocate for the adoption of policies, programs, and resources that will enable LGBT youth to thrive. Widespread social, economic, and health disparities are endemic to LGBT youth populations in the Commonwealth, in comparison to their non-LGBT peers. Further, significant disparities within LGBT youth populations differentially impact transgender youth and youth of color. Pervasive and longstanding inequalities motivate the Commission's work, and must be addressed in every state agency and the General Court to ensure that we live in a Massachusetts where LGBT youth can reach their full potential.

This document contains annual policy and program recommendations intended for the Great and General Court and executive agencies in the arenas of Health and Human Services and Education. The Commission will continue to strengthen our relationships to state agencies, and to work collaboratively to enact positive changes for the health, safety, and success of LGBT youth in our schools, families, and communities.

The Commission's FY2014 recommendations focus on three themes: access to services; training and education; and development of policies and practice guidance that will assist agencies in complying with *An Act Relative to Gender Identity* and all anti-discrimination laws applying to youth. We reference models provided by other states and national organizations to inspire our work in Massachusetts. In Governor Deval Patrick and his Administration, we have a true ally and partner in bridging LGBT youth disparities. The Legislature likewise supports both the spirit and substance of the Commission's work, and we continue to be encouraged by partnership with members of the LGBT Caucus and the Black and Latino Caucus in the legislature, the Senate President, and the Speaker of the House, as well as Attorney General Martha Coakley, Treasurer Steve Grossman, and Auditor Suzanne Bump.

In this year's recommendations, we have much to celebrate, with still more work to do. Our advocates in the Legislature, including their dedicated staff, have made the work of the Commission possible. Under the direction of The Executive Office of Health and Human Services (EOHHS) Undersecretary Marilyn Anderson Chase, we have advanced a fruitful partnership with Children, Youth and Families (CYF) Cluster agencies. We are particularly grateful to outgoing Commissioner John Auerbach and the Department of Public Health (DPH) for providing vital administrative support to the Commission, and we will continue to support the development of cultural competency programs for providers working under DPH and DPH funded programs. We also extend our gratitude to Department of Children and Families (DCF) Commissioner Angelo McClain for supporting the LGBT liaisons within DCF and for establishing agency liaisons with the Commission. We would like to recognize Department of Youth Services (DYS) Commissioner Ed Dolan for his commitment to cultural competency trainings for all workers, and to Department of Transitional Assistance (DTA) Commissioner Dan Curley for coordinating a working group of CYF Cluster agencies to expedite the adoption of our policy and program recommendations.

We are pleased to begin working for the first time with the Department of Early Education and Care (EEC). By partnering with Commissioner Sherri Killins and her staff, we hope to bring contracting organizations into compliance with state anti-discrimination laws. Our relationship with the Department of Elementary and Secondary Education (DESE) continues to grow, and we thank Commissioner Mitchell Chester and the DESE General Counsel's Office for acting quickly to change regulations and policy to be in compliance with *An Act Relative to Gender Identity* and other state anti-discrimination laws. We look forward to the revitalization of the Safe Schools Program, as well as professional development and technical assistance around *An Act Relative to Bullying in Schools* and *An Act Relative to Gender Identity*.

The Great and General Court, executive agencies within the Commonwealth, and the Commission must work together to secure resources, address institutionalized inequalities that differentially impact LGBT youth populations, and support a culture in Massachusetts where LGBT youth have the tools they need to succeed.

As in the past, budgetary, institutional, and other challenges can be overcome. We look forward to seeing the fruits of our collaborative efforts as they impact individual youth residing in the Commonwealth. We are eager to work together to maintain and expand the role of Massachusetts as a national model for positive LGBT youth work, providing the infrastructure so that youth in our state not only survive, but thrive.

Sincerely,

Julian Cyr, Chair
Erika J. Rickard and Alexis Yioulos, Vice Chairs
The Massachusetts Commission on LGBT Youth

INTRODUCTION

The General Court created the Massachusetts Commission on Gay and Lesbian Youth in 2006 (Act of Jul. 1, 2006, Ch. 139 §4, codified in Mass. Gen. Laws Ch. 3 §67). The Commission has since adjusted its name to more fully reflect the youth it serves, and as of 2012 is the Commission on Lesbian, Gay, Bisexual and Transgender Youth. Up to 50 members may be appointed to the Commission. Commissioners, representing twelve key Public Education, Public Health, and LGBT organizations and fourteen state regions, are inducted for two-year terms. The Commission's leadership includes a Chair, Vice Chair(s), and an Executive Committee. The Executive Committee meets monthly, and all Commissioners meet as a full body six times per year and monthly in functional teams.

The Commission is committed to the elimination of disparities in access to services and in service outcomes for LGBT youth populations in all life arenas, including physical and mental health, education, social services, housing, and employment. Information from providers who serve LGBT populations, from LGBT youth themselves, and from state and national surveillance data indicates that LGBT youth are a vulnerable population, with transgender youth and youth of color most heavily affected (Consolación, Russell, & Sue, 2004; Garofalo, DeLeon, Osmer, Doll, & Harper, 2006; Harper, Jernewall, & Zea, 2004; McCready, 2004; O'Donnell, O'Donnell, Wardlaw, & Stueve, 2004).

The recommendations for FY2014 set forth in this publication are intended to help make Massachusetts state agencies aware of and responsive to the needs of LGBT youth populations in the Commonwealth. The Commission is committed to working with state agencies to assist in the implementation of these recommendations, and intends to monitor and report on progress made toward their implementation.

Defining Terms and Target Populations

Lesbian, Gay, Bisexual and Transgender (LGBT) Youth

The acronym "LGBT" is intended to represent all sexual minority and transgender/gender non-conforming youth.

- **Sexual Minority Youth:** Sexual minority youth consist of young people who identify themselves as gay or lesbian (e.g. individuals whose primary sexual/emotional connections are to people of the same gender) or bisexual (e.g. individuals whose sexual/emotional attraction and connections are not limited to one gender or the other); as well as youth who do not ascribe to these identity labels, but engage in same-gender sexual or romantic behavior.
- **Gender Identity Minority, Transgender, and Gender-Nonconforming Youth:** Transgender is an umbrella term that includes youth who transition (or aspire to transition) from one gender to another, and/or gender non-conforming youth – defined as youth who defy social expectations of how they should look, act, or identify based on the gender associated with their birth sex. This includes a range of people, including: male-

to-female (MTF) or female-to-male (FTM) transgender/transsexual youth, as well as youth whose *gender identity* (how they identify their own gender) or *expression* (how they express their gender identity) differs from conventional expectations of masculinity or femininity (Massachusetts Transgender Political Coalition, 2007).

When discussing lesbian, gay, bisexual, or transgender (LGBT) youth as a population, it is important to recognize that young people, particularly young people of color, may not fit or define themselves according to “commonsense” or prevailing definitions of lesbian, gay, bisexual, or transgender (Silenzio, 2003, 867-871). These youth may not use the terms “lesbian,” “gay,” or “bisexual” to identify themselves or their sexuality, although they may be engaging in same-sex sexual or romantic relationships. When using the signifier LGB, the Commission intends to refer to all of these youth, not just sexual identity or behavior per se. This also includes youth who may not have a fully developed sexual identity. In some cases, LGB is intentionally used to refer to sexual minority youth exclusively; for example, when statistics are not available for transgender/gender non-conforming youth.

Questioning youth are also included in the LGBT definition. Defining and measuring LGB youth populations can be difficult, with most instruments relying on sexual identity, sexual orientation, sexual behavior, or a combination of the three (Robin, Brener, Donahue, Hack & Goodenow, 2002; Austin, Conron, Patel, & Freedner, 2007). While the Commission urges the continued use of the term “LGBT”, it recognizes that this term should not be read to suggest only youth/students *identifying* as LGBT, but *also include youth/students who would be represented by broader measures* such as orientation, same-sex sexual behavior, or nontraditional gender presentation. We believe that a broader understanding of these terms takes into account the complexity of sexual and gender identity development and allows for more culturally specific descriptions of populations than a reliance on identity alone (Rosario, Schrimshaw, & Hunter, 2008; Rosario, Schrimshaw, & Hunter, 2004; Harper et al., 2004).

Terms and Definitions Regarding Priority Populations

While there are documented health disparities and other forms of inequality associated with LGBT youth populations in general, the Commission recognizes within-group differences that necessitate targeted attention to specific sub-groups. LGB youth of color and transgender/gender non-conforming youth of all racial and ethnic backgrounds are at disproportionate risk of experiencing violence and negative health outcomes, yet face additional barriers to engaging with state agencies and accessing culturally-competent services. Thus, LGB youth of color and all transgender/gender non-conforming youth are considered priority populations by the Commission.

Youth of Color

The Commission defines youth of color broadly, to include those groups that have specific and longstanding relationships with systems of racial or ethnic-based oppression, exploitation, and/or marginalization in the United States. Included in this population are both youth of color (e.g. non-white youth) as well as white-Hispanic youth and/or youth from other minority ethnic or cultural backgrounds that position them for experiences of racist or classist oppression.

Transgender/Gender Nonconforming Youth

Refer to the previous section for the Commission's definitions of "transgender" and "gender nonconformity"

The Commission recommends the consistent use of as broad a definition of transgender as practicable. Gender norms are complexly influenced by broader cultural norms and those cultural norms affect self perception and perception by others. Additionally, transgender is a relatively new and rapidly evolving term, with no set standards for social science measurements and survey instruments as of yet. Because of these factors, we recommend the inclusion of both identity (e.g. identifying or self-labeling as transgender, transsexual, MTF, FTM, genderqueer, or gender nonconforming) as well as behavioral measures (gender presentation and/or expression) when accounting for and/or addressing the needs of this population. Such an inclusive definition is, for instance, needed to ensure that professionals interact with these youth in an appropriate manner and provide appropriate care. *An Act Relative to Gender Identity*, which went into effect in Massachusetts on July 1, 2012, defines gender identity as a person's gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth.

Disparities

The Commonwealth of Massachusetts was among the first states to analyze statewide health and risk behavior assessments on sexual-minority youth via the biennial Youth Risk Behavior Survey (YRBS), which is primarily responsible for monitoring youth behaviors that contribute to mortality and morbidity (Centers for Disease Control and Prevention, 2011). This survey does not include any questions on gender identity, so we do not have data for transgender youth.

Suicide and suicidal ideation continue to be an alarming concern afflicting LGBT youth. When compared with other youth, four times as many sexual-minority youth have attempted suicide in the past 12 months that resulted in an injury, poisoning, or overdose that had to be treated by a doctor or nurse (8.4 percent vs. 2.0 percent), according to the Department of Elementary and Secondary Education (Goodenow, 2011). Suicidal ideation and suicide attempts among the LGB population have been consistently reported at much higher rates than heterosexual youth, and despite our awareness of this disparity, it continues to grow. In 2011, 34.1 percent of LGB youth compared to 4.5 percent of non-LGB youth reported a suicide attempt in the past year alone (Goodenow, 2011). The Commission supports programs like the national Trevor Project that provide a lifeline to youth in need. We also support the American Foundation for Suicide Prevention's national recommendations (Haas et al., 2010), and urge the speedy inclusion of a focus on LGBT youth in any statewide strategy for suicide prevention.

The 2011 Massachusetts YRBS (MYRBS) and the 2011 Massachusetts Youth Health Survey (YHS) document several health disparities experienced by sexual-minority youth when compared with other youth in the state. For example, nearly four times as many sexual-minority youth report experiencing dating violence at some time in their lives, when compared with other youth (36.1 percent and 9.5 percent, respectively) (Massachusetts Department of Public Health,

2012b). Additionally, sexual minority students are more likely to engage in risk behaviors such as illicit drug and alcohol use. Combined data from the state's 2011 YHS and YRBS surveys indicates that 83.3 percent of LGB students reported lifetime alcohol use, compared to 67.3 percent of other youth, and 63.3 percent of LGB students reported having smoked a cigarette, compared to only 34.8 percent of heterosexual students (Massachusetts Department of Public Health, 2012a).

Homelessness disproportionately affects sexual-minority youth. In Massachusetts, 33.4 percent of homeless youth identified as LGB or were unsure of their sexual orientation (Corliss, Goodenow, Nichols, & Austin, 2011). Furthermore, homeless sexual-minority youth are at greater risk than their heterosexual counterparts for negative health outcomes and risk behaviors, including mental health issues (Cochran, Stewart, Ginzler, & Cauce, 2002; Van Leeuwen et al., 2006; Gangamma, Slesnick, Toviessi, & Serovich, 2008) and engagement in risky sexual behavior (Marshall, Friedman, Stall, & Thompson, 2009; Kipke et al., 2007).

RECOMMENDATIONS

For the first time since its inception 20 years ago, the Commission held Public Hearings for youth and adults across the Commonwealth to share their experiences and help us to understand what is and is not working for LGBT youth. The hearings were held on June 20 and 21, 2012, in Boston and Holyoke. Several themes emerged from those hearings. In conjunction with empirical data and evidence-based policies already in effect in other states and/or on the national level, we have used this information to inform the development of the following recommendations that apply across multiple state agencies:

- ***Access:*** Funding and support for programs that target LGBT youth remains crucial for youth to be able to access the services and resources they need. Both LGBT youth and the adults who work with them reported that youth face barriers to accessing services, including feeling unwelcome in agency offices. This was particularly significant among youth of color and transgender youth.
- ***Training:*** From schools to foster care to health care, youth and their allies report a need for increased LGBT cultural competency among state employees and contracting agencies. All Executive Office of Health and Human Services (EOHHS) and Executive Office of Education (EOE) agencies would benefit from regular and consistent training and education around LGBT youth populations and issues within their respective service areas. We recommend collaboration with experts to develop and execute these trainings.
- ***Anti-discrimination policies and guidance:*** Access and education are improved by ensuring there is a grievance process in place or another type of redress that clients have if they are not served appropriately. We recommend developing stronger guidance, model policies, and best practices for working with LGBT youth throughout the Commonwealth, and have provided examples from the federal government and other states where available.

In addition to these general themes, the Commission notes the following specific priorities:

- ***Implementing An Act Relative to Gender Identity, in word and in spirit:*** *An Act Relative to Gender Identity* took effect on July 1, 2012. We recommend that all agencies expand their individual anti-discrimination policies to include gender identity as defined by the statute. This would ensure compliance with the law and Governor Deval Patrick's Executive Orders 526 and 527, which extend nondiscrimination protections to all state employees and businesses that contract with the state. In addition, we urge agencies to think broadly about how to ensure that transgender and gender-nonconforming youth are not subject to discrimination or biased treatment by agencies or contracting organizations.

- ***Collecting data:*** Data should be gathered in all settings on sexual orientation, gender identity, and (where relevant) sexual behavior. This information is necessary to better target programming to LGBT youth, and would provide the foundational knowledge needed to conduct assessments of the efficacy of LGBT-related policies and programming.
- ***Recognizing intersections:*** LGBT youth live in all parts of the Commonwealth. They are urban and rural, of all races, physical and mental abilities, nationalities, socio-economic backgrounds, religious backgrounds, and families. Recognizing the diverse needs of LGBT youth who experience intersecting forms of inequality and disparities is essential to ensuring that all LGBT youth thrive. We therefore recommend the adoption of these recommendations in all communities, in all parts of the Commonwealth.

1. HEALTH & HUMAN SERVICES RECOMMENDATIONS

Members of the Commission are excited to expand working relationships with EOHHS agencies through collaboration with Secretary JudyAnn Bigby, Undersecretary Chase, DTA Commissioner Curley, the incoming DPH Commissioner, DCF Commissioner McClain, and DYS Commissioner Dolan. Since the public hearings, we have begun to meet with all EOHHS agencies in the CYF Cluster, through our Commission liaisons to state agencies and a working group under the direction of Undersecretary Chase and Commissioner Curley.

Across all EOHHS agencies, we recommend implementing the following changes along the following themes:

Access: We recommend improving access to services by offering a “rights and responsibilities” or “what to expect” brochure, and by displaying recognizable symbols of support (such as LGBT-affirming posters, stickers, and informational materials). Steps such as these will contribute to an environment where LGBT young people feel safe and welcome.

Training: All EOHHS agencies would benefit from regular and consistent training and education on LGBT youth populations within their respective service areas.

Anti-discrimination policies and guidance: We recommend that all agencies expand their individual anti-discrimination policies to include gender identity as defined by state statute, and to think broadly about how to ensure that youth in contact with agencies are protected from discrimination at all levels.

DEPARTMENT OF CHILDREN AND FAMILIES (DCF)

DCF provides an intricate network of services that support the healthy development of children and youth in the Commonwealth. The Commission applauds the work of DCF's LGBT¹ liaisons for their efforts to foster a safe environment for LGBT youth seeking and receiving services from DCF. However, persistent, systemic issues have prevented LGBT youth in the Commonwealth from receiving appropriate and much-needed services from DCF. We recommend that future Diversity Plans and Strategic Plans incorporate the recommended changes to access, training, and policies as they impact LGBT youth that interact with DCF, whether in DCF care or custody, or in intact families.

DCF Recommendations:

1. Improve access to safe homes by identifying and developing LGBT-friendly foster placements, hotline homes, and residential facilities.
2. Increase access to safe homes for youth aging out of care by re-establishing independent living programs, and by identifying LGBT-friendly shelters.
3. Provide training programs for all workers and supervisors on the issues that affect LGBT youth and adults.
4. Provide practice guidance on family assessments and working with openly LGBT youth clients.
5. Provide specific practice guidance on working with transgender youth and adults.

Background

The coming out process itself can cause emotional stress to the family and the young person, which can result in the voluntary or involuntary premature departure from home. These types of situations are not unique to LGBT youth, but LGBT youth are disproportionately affected by homelessness, involvement with the foster care system, or living in unstable or unsafe alternate housing situations. Further, certain protective factors associated with resiliency among racial/ethnic minority groups may be lacking among sexual and gender minority youth, because “in contrast to other minorities in which the adolescent has the same minority status as his or her parents, the LGBT adolescent may also have to deal with parents who reject their offspring because of their child’s sexual orientation” (Levin, 2011, 18).

Nationally, there are over 500,000 youth in the foster care system and an estimated five to ten percent identify as lesbian, gay, bisexual or transgender (U.S. Department of Health and Human Services, 2009; Marksamer, 2006). From a national sample, approximately 50 percent of LGBT

¹ DCF liaisons refer to themselves as BGLTQ liaisons. We use the term LGBT for consistency.

youth reported receiving negative reactions upon coming out to their families, and 26 percent reported being physically kicked out by a member of their family (Ray, 2006). A recent study of high school students in Massachusetts reflects these national statistics (Corliss et al., 2011). According to this study, 25 percent of lesbian and gay teens and 15 percent of bisexual teens are homeless, compared to only three percent of straight teens (Corliss et al., 2011). According to another study, 42 percent of all homeless youth are LGBT (Bridges, 2007). That same study reveals that LGBT youth of color are particularly at risk, with 65 percent of homeless individuals identifying as a racial minority (Bridges, 2007).

LGBT youth not only experience “alarming rates of behavioral and social problems [but] service use among these youth is disproportionately low,” suggesting the likelihood that decreased service accessibility is a causal factor in service underutilization (Acevedo-Polakovich, Bell, Gamache, & Christian, 2011, 1). This theme is reflected in the public hearing testimony specific to DCF-related issues such as housing and homelessness – as well as inappropriate or inadequate service provision that for some results in reluctance to seek services in the future.

The lack of training, skill-development and knowledge needed, both to identify LGBT youth and to provide adequate services, persists as a systemic issue that compromises DCF service provision. Coupled with a limited number of LGBT-friendly out-of-home placements, failure to collect data about LGBT youth involved with DCF has resulted in significant gaps in services that disproportionately impact LGBT youth.

Testimony from the Hearings

“I was kicked out of my home, abused, and neglected for being bisexual. I was put in foster care shortly after my mom got arrested for abusing me. My foster care journey was not easy. . . Kids like us need more support when they’re homeless and when they have been in foster care. I would like to see more social workers who are supportive with GLBT youth.” – Lyanne

“When you’re a homeless GLBT youth, there’s not a lot of safety nets. . . A lot of people think that it’s better to go to a shelter than to stay under a bridge and be on the streets, but in actuality it’s not. They will help other clients target you, then turn their backs, turn a blind eye. It’s really ridiculous.” – Diamond

“It often felt like they were subtly saying to me that they cared but that they would care more if I didn’t sleep with men.” – Anonymous youth, testimony read by Mandy Lussier

An additional story shared by Mandy Lussier of Youth on Fire at AIDS Action Committee further demonstrated the ways in which shelters can be unsafe for LGBT youth. For instance, she shared a story about a young couple forced to leave a women’s shelter when another client “outed” them as being in a same-sex relationship, saying, “The two young women had been sleeping in the same room since their arrival, but after they were outed they had to occupy separate rooms and could not be in the bathroom together, even though all the other women used it at once. After being caught hugging, they were suspended from the shelter for two weeks. They talked about wanting to file suit against the shelter but decided not to because they had no other place to go. They were so worried about being retaliated against that they did not even file

a complaint. They accepted their two week suspensions, during which they stayed outside, and went back to that shelter.”

Gay & Lesbian Advocates & Defenders (GLAD) reports receiving calls from youth about their negative experiences in foster care on a regular basis: “Just today [June 20, 2012], a youth in DCF was told that she could not wear a t-shirt that had a rainbow on it because that means lesbian or gay. We’ve also been involved with DCF caseworkers who’ve done pinky swears with kids in their care to get them to promise that they won’t be gay, that they will try to be straight. Otherwise, they won’t get into heaven. These are not isolated incidents.”

– Vickie Henry, GLAD Senior Staff Attorney

Expanded Recommendations

Access

1. **Improve access to safe homes by identifying LGBT-friendly foster placements, hotline homes, and residential facilities.** LGBT young people, both over and under the age of 18, need safe housing. Homelessness continues to be a major problem for LGBT youth, who are disproportionately represented among homeless populations. In addition, lack of safe homes for LGBT youth has led to the placement of youth in homes with a higher level of care than necessary, as well as greater numbers of disruptions of foster placements. What these youth need first and foremost is a stable living situation, both when they are in DCF care and when they age out of care.

The Commission recommends that each area office within the DCF system identify homes that would be welcoming and affirming to adolescents and children regardless of sexual orientation and gender identity or expression, in particular:

- A minimum of two foster placements in each area office
- A minimum of ten ‘hotline home’ placements in each of the four regions, preferably in the form of a distinct ‘LGBT Hotline.’

Identification and tracking of safe homes requires that family resource workers raise the question as part of the home study process for new foster families, and as part of the re-licensing process for continuing foster families.

Foster families who identify themselves as accepting homes may not necessarily be equipped to do so. An additional approach for identifying LGBT-friendly foster families is to offer voluntary trainings on caring for LGBT youth, and to provide a modest stipend for those trainings. Those who have chosen to attend, who have received training, and who continue to self-identify as accepting homes for LGBT youth are more likely to have successful placements.

In addition, we ask that DCF ensure that its contracting agencies adhere to the same non-discrimination principles as the Department itself.

2. **Increase access to safe homes for youth aging out of care by re-establishing independent living programs, and by identifying LGBT-friendly shelters.** LGBT youth who age out of care too often find themselves without safe places to live. The Commission recommends revitalizing the independent living programs that were once funded, as a long-term goal in the overall strategic plan. In the short term, we urge DCF to collaborate with both EEC and community-based organizations that serve LGBT youth and/or serve homeless and low income LGBT youth to create safe spaces for homeless and marginally housed LGBT young people. Community-based organizations can provide insight into particular communities and populations within the Commonwealth, and we urge DCF and other organizations to consider youth of color and transgender youth as top priorities in the need for safe homes.

Training

3. **Provide training programs for all workers and supervisors on the issues that affect LGBT youth and adults.** DCF regulation 110 CMR 7.104 requires that licensed foster / adoptive homes must be able to nurture children in the home, “including supporting and respecting a child’s sexual orientation or gender identity.” DCF engaged in a Department-wide training on sexual orientation cultural competency in 2004, thanks to an outside grant. To date, there has been no re-creation of that training. LGBT liaisons have taken it upon themselves to seek out training from organizations such as Adoption & Foster Care Mentoring and the Massachusetts Transgender Political Coalition (MTPC), and to revise the foster parent training curriculum (Massachusetts Approach to Partnerships in Parenting, or MAPP). Many case workers, foster parents, and supervisors outside of the self-identified liaisons, however, have never been trained on the needs of LGBT youth in their care. We note that DCF is eligible, as a Title IV-E agency, to access resources from the federal government to provide training for caseworkers on LGBT competency.

We encourage DCF to follow [federal guidelines](#) on training and resource availability for DCF staff. We also recommend the training curriculum provided in [*Moving the Margins: Training Curriculum for Child Welfare Services with LGBTQ Youth in Out-of-Home Care*](#), created in 2009 by Lambda Legal and the National Association of Social Workers. We urge DCF to integrate LGBT competency training in its continuing education programs for social workers, as well as its new supervisor training and learning circles.

We note that the organization Health Imperatives has received a grant from DPH to provide LGBT cultural competency trainings to state agencies, and has already begun to work with DYS on a tailored training curriculum that has been well-received. We urge DCF to consider working with Health Imperatives as well. In addition, we recommend reducing the caseload for frontline workers who contribute to DCF as LGBT liaisons. DCF liaisons make a tremendous difference, not only in their respective area offices, but also for the Department as a whole. According to the Liaisons Roles and Responsibilities, DCF liaisons are responsible for educating their respective offices about the LGBT resources in their area, participate in area Diversity Leadership Teams, maintain physical resources for their offices, and educate new workers about LGBT issues during On the Job Trainings. We recommend that active liaisons who participate in training their co-workers receive a reduction in their

caseload. Even reducing a caseload by one would make a significant impact in the amount of time that liaisons can devote to internal trainings and education efforts. For supervisors, a reduction in caseload may not be possible – accordingly, we recommend a monthly stipend, similar to the stipend that bilingual workers receive for their additional work and expertise.

[Please see EEC recommendation #3 on partnership between DCF and EEC.]

Policies and Guidance

4. **Provide practice guidance on family assessments and working with openly LGBT youth clients.** Family abuse is a serious issue in situations that involve LGBT youth. Results from the *National Homeless Youth Provider Survey* found that family rejection was the most cited factor contributing to youth homelessness (68 percent), and more than half of the respondents (54 percent) also cited abuse in the family (Durso & Gates, 2012). The federal Administration for Children and Families supports the recommendations made by Lambda Legal in 2012, which include performing family assessments that promote an understanding of the effects of family rejection and acceptance on the well-being of LGBT youth. The California-based Family Acceptance Project also has an assessment tool that may be useful. Caitlyn Ryan of the Family Acceptance Project came to Massachusetts at the end of October 2012 in a collaborative effort between Parents, Families, and Friends of Lesbians and Gays (PFLAG) and DCF to provide training on pastoral care for LGBT youth, and we look forward to continued collaboration to seek out intervention strategies that would improve family acceptance of LGBT youth.

We also recommend building LGBT acceptance assessments into the protocols for family assessments. We encourage building relationships with community organizations to create in-home counseling teams that specialize in working on LGBT identities and family acceptance models. Toward that end, the Commission is eager to work with DCF in seeking grant funding to establish such a project.

The Commission recommends improving access to family-based services by implementing procedures such as those used by the New York City [Administration for Children's Services](#), which were implemented in 2011.

5. **Provide practice guidance on working with transgender youth and adults.** More than 75 percent of the agencies participating in the *National Homeless Youth Provider Survey* reported working with transgender youth within the past year (Durso & Gates, 2012). Full implementation of the new law *An Act Relative to Gender Identity* requires some critical thinking about changes to practices and protocols that would ensure that the Department is meeting the needs of transgender youth in its care.

I am proud of the youth in this community who are willing to be as open as they are about who they are, and I think we owe it to them to ensure that they have the safety they need.

– Jennifer Levi, GLAD

DEPARTMENT OF PUBLIC HEALTH (DPH)

We are grateful to DPH for maintenance funding for the programs it sponsors and for its commitment to stand by LGBT youth. We also thank DPH for providing vital administrative support to the Commission. We are pleased to report that DPH has added a question about gender identity to its Youth Health Survey, which will provide a much-needed data point for future work in the Commonwealth.

DPH Recommendations:

1. Support Suicide Prevention resources, and evaluate whether these services are effectively reaching transgender and gender-nonconforming youth.
2. Provide support for youth organizations that work with LGBT youth in western Massachusetts.
3. Develop and implement evidence-based strategies for addressing health disparities for sexual and gender identity minority youth, particularly sexual and gender identity minority youth of color.
4. Provide ongoing training and technical assistance to state-funded providers about sexual orientation, gender identity and serving transgender, lesbian, gay, and bisexual youth.
5. Provide pamphlets and other print resources through the Safe Spaces program.

Background

The Institute of Medicine (IOM) recently released “The Health of Lesbian, Gay, Bisexual and Transgender (LGBT) People: Building a Foundation for Better Understanding” (2011), which reported on the mental and physical health of LGBT populations, with a chapter devoted to LGBT youth. The report begins by noting, “LGBT youth are typically well adjusted and mentally healthy,” yet consistently research has been found that LGB youth are at increased risk for suicidal ideation and attempts as well as depressive symptoms in comparison to their heterosexual counterparts (2011, 4-6). Other research suggests LGBT youth are at higher risk for mental illnesses such as depression or suicidality due to factors such as antigay victimization, stigma, and family rejection (Levin 2011, 17).

Patterns for physical health suggest a similar trend—that generally LGBT youth exhibit good physical health, although disparities do exist for sexual minority (and likely transgender) populations as compared to non-LGBT counterparts (Institute of Medicine, 2011). This report identifies a number of risk factors that disproportionately affect the health of LGBT youth, such as harassment, victimization and violence; substance abuse; homelessness; and child abuse (Institute of Medicine, 2011).

The Centers for Disease Control (CDC) released a report assessing the health-risk behaviors of students in grades 9-12 based on Youth Risk Behavior Surveillance System (YRBS) data from 2001-2009, collected by the seven states and six large urban school districts including a question about sexual identity or behavior (CDC, 2011). According to this report, in seven out of the ten health risk categories (operationalized by a total of 76 variables) the percentage of all health risks for which the prevalence was higher for sexual minority students (versus heterosexual students) ranged from 49 percent to 90 percent. The seven categories for which sexual minority students had higher prevalence rates included: (1) behaviors that contribute to violence (e.g., did not go to school because of safety concerns); (2) behaviors that relate to attempted suicide (e.g., made a suicide plan); (3) tobacco use (e.g., ever smoked cigarettes); (4) alcohol use (e.g., binge drinking); (5) other drug use (e.g. current marijuana use); (6) sexual behaviors; and (7) weight management.

Expanded Recommendations

Access

1. **Continue to support the dissemination of the Suicide Prevention resources [currently available](#), particularly those targeting transgender and gender-nonconforming youth.** The most recent MYRBS data shows that LGB youth are seven times more likely to have attempted suicide than their non-LGBT peers (Goodenow, 2011). Among transgender youth, the disproportionality is still more drastic. Approximately 41 percent of transgender people and 47 percent of transgender people of color report having attempted suicide, compared to 1.6 percent of the general population (National Center for Transgender Equality, 2010). The Suicide Prevention resources currently available are crucial to the lives and safety of LGBT youth. We encourage DPH to ensure that all programs funded to work with LGBT youth, including Safe Spaces programs and those funded by Youth At Risk grants (current and future grantees) have ready access to information, training and resources on suicide prevention as it relates to LGBT youth populations.
2. **Provide support for youth organizations that work with LGBT youth in the western region of Massachusetts.** At the hearings, the Commission became aware of significant obstacles that organizations in western Massachusetts face when attempting to provide services to LGBT youth in their areas, such as difficulty in reaching youth who lack access to transportation. We urge DPH to provide equitable funding for organizations across the Commonwealth, recognizing the differences in population sizes and needs. We also recommend that the Department consider more frequent RFRs for Safe Spaces, so that new applications from western Massachusetts can be evaluated.
3. **Continue to develop evidence-based strategies for addressing health disparities for sexual minority and transgender youth, particularly youth of color and transgender youth.** In areas ranging from sexual health to mental health to intimate relationships, and as outlined in greater detail above, disparities persist. We urge DPH to encourage the work that is already happening in settings such as the Symposium on Trauma Informed Prevention and

Healthy Relationships/Healthy Sexuality in LGBTQ Supportive Settings and the DPH Healthy Relationships/Healthy Sexuality Working Group, and to convey the resulting recommendations throughout the Department and to outside vendors.

Training

4. **Provide ongoing training and technical assistance to state-funded providers about sexual orientation, gender identity and serving transgender, lesbian, gay, and bisexual youth.** To ensure that culturally competent and clinically appropriate care is being administered and that issues of sexual orientation and gender identity are discussed, we recommend that all employees and contracting organizations, including physicians, nurses, and receptionists, be required to attend LGBT cultural competence training. Service providers in the arenas of teen pregnancy, substance abuse, homelessness, Behavioral Emergency Service Teams, Violence Prevention and Survivor Services, and Suicide Prevention would all benefit from such training. We also recommend that hospital staff, DPH Sexual Assault Nurse Examiners, school health center nurses, and all other health care providers under the purview of DPH become familiar with the World Professional Association of Transgender Health (WPATH) Standards of Care for Transgender, Transsexual, and Gender Nonconforming People (7th ed., July 2012), as well as the Fenway Guide to Lesbian, Gay, Bisexual, and Transgender Health, published by the American College of Physicians (Goldhammer, Mayer, Potter, & Makadon, 2007). Both of these publications outline practical guidelines and sample questions for providing confidential, compassionate, clinically appropriate, and culturally competent healthcare to LGBT patients. We also recommend that DPH look to [New York City's training program](#) for the citywide public healthcare system.
5. **Provide pamphlets and print resources through the Safe Spaces program.** While Safe Spaces does currently provide some resources through Health Imperatives, limited funding means there is a dearth of official, state-sponsored print resources and guides available for families and providers regarding LGBT youth. A small amount of financial investment in printed publications would improve recognition, awareness, and understanding of LGBT identities and needs across the Commonwealth.

DEPARTMENT OF TRANSITIONAL ASSISTANCE (DTA)

This is our first year working with DTA, and we welcome the collaboration with Commissioner Curley and his staff.

DTA Recommendations:

1. Improve accessibility of public assistance to LGBT youth.
2. Provide LGBT cultural competency for all staff, including DV specialists.

Expanded Recommendations

Access

1. **Improve accessibility of public assistance to LGBT youth.** We recommend improving access to services by offering a “rights and responsibilities” or a “what to expect” guide, and by displaying recognizable symbols of support to LGBT young people. Publicly identifying ally-status through symbols such as Safe Space stickers and rainbow flags signals to LGBT youth that they are in a safe, welcoming setting and promotes a climate of acceptance (Poynter & Tubbs, 2007). We also recommend improving customer service protocols and training staff and administration to understand unique issues related to transgender youth and identity documentation. This would ensure that *all* residents are able to access services.

I’ve worked intensively with young people... I’ve found that the fear starts to outweigh the need for them. If I could encourage capacity building and training opportunities on how to work with LGBT people within state departments, I think that would be very helpful. I’m hoping that will not only allow our young people to follow through with the resources, but it will empower them to get what they need and deserve.

– Tharyn Grant, JRI Health

Training

2. **Provide LGBT cultural competency for all staff, including Domestic Violence Specialists.** Intimate partner violence in LGBT communities is a serious public health and community issue, occurring in approximately 25 to 33 percent of relationships where one or more partner identifies as LGBT (Quinn, 2010). This rate approximates that of violence perpetrated against heterosexual, non-transgender women. A nationally representative sample of adolescents indicates that almost 25 percent of youth with same-sex dating or sexual partners have experienced some form of physical or psychological victimization within the past 18 months, with eleven percent reporting physical violence, and thirteen percent reporting psychological violence alone (Halpern et al., 2004). Other quantitative studies suggest that rates of intimate partner violence among this population are either equivalent to

(Freedner, Freed, Yang, & Austin, 2002) or greater than (Pathela & Schillinger, 2010) those reported in heterosexual adolescent relationships. Domestic Violence Specialists at the DTA must be cognizant of this population to provide comprehensive services across the Commonwealth.

DEPARTMENT OF YOUTH SERVICES (DYS)

DYS, previously under Commissioner Tewksbury and now Commissioner Dolan, has demonstrated commitment to minimizing youth detention, and is now expanding to specifically addressing the needs of LGBT youth in care. We commend Commissioner Dolan for his engagement with the model policies provided by New York State's Office of Children and Family Services (2008) and the national advocacy group The Equity Project, and encourage DYS to continue with the progress made since the Commission's October 2011 recommendations.

DYS Recommendations:

1. Continue to implement LGBT training curriculum for staff.
2. Develop and implement policies related to transgender youth, safety for LGBT youth, and same-gender romantic behaviors for all youth.
3. Encourage vendor providers to develop innovative and privacy-preserving ways of assessing sexual orientation, same-gender romantic behavior and gender identity, and provide sexual health services accordingly.

Background

Based on the risk factors outlined by the Office of Juvenile Justice Detention Prevention, LGBT youth are at a heightened risk of becoming involved with the juvenile justice system (Shader, 2003). According to the Journal of Pediatrics, lesbian, gay, and bisexual youth are 40 percent more likely than other teens to be punished by school authorities, police and the courts (Annie E. Casey Foundation, 2011). On average, LGB and questioning youth spend more time in the juvenile justice system than their non-LGB counterparts, and are more likely to be targeted by police and be detained (Majd, Marksamer, & Reyes, 2009). Nationally, LGBT youth are twice as likely to be detained for non-violent crime, and comprise 15 percent of the national detention population (Irvine, 2010). Harassment and victimization experienced by LGBT youth can increase their risk of involvement with the juvenile justice system (Whitbeck, Chen, Hoyt, Tyler, & Johnson, 2004). Given these stark disparities, it is critical that DYS develop a comprehensive policy to address the needs of LGBT youth.

LGBT youth who enter detention facilities across the U.S. face emotional, sexual and physical abuse from other youth and even facility staff (Majd et al., 2009). Approximately 80 percent of detained youth in a survey by the National Center for Lesbian Rights reported their own safety threatened (Majd et al., 2009). On a national level, youth who identify as LGBT are 9 times as likely to be sexually victimized by youth or staff in facilities as non-LGBT youth (Center for Children's Law and Policy, 2010).

Expanded Recommendations

Training

1. **Continue to implement comprehensive LGBT training curriculum for staff.** We applaud the DYS implementation of LGBT cultural competency training in collaboration with Health Imperatives, and look forward to a future where all workers receive such training on a regular basis, in addition to ongoing partnerships between DYS and other agencies that work with youth.

Policies and Guidance

2. **Develop and implement policies related to transgender youth, safety for LGBT youth, and same-gender romantic behaviors for all youth.** As we stated in 2011, we recommend creating a mechanism to address the safety and health of transgender and gender-nonconforming youth in facilities, and we propose the model policy adopted by the New York State Office of Children and Family Services (Policy and Procedure Manual, 2008). We also recommend changing the language in policy 1.05.06(a), Client Sexual Misconduct, to state that employees shall not prohibit or discourage communication or interaction between youth of the same sex that is not also prohibited or discouraged between youth of different sexes (i.e., expressions of romantic or emotional attraction).
3. **Encourage vendor providers to develop innovative and privacy-preserving ways of assessing sexual orientation, behavior and gender identity, and provide appropriate sexual health services.** In an effort to provide non-stigmatizing health services to all youth, the Commission recommends that DYS staff work with vendor providers on overcoming privacy-related obstacles to providing inclusive, quality care. In particular, DYS staff in group care programs are the direct caregivers for youth, and are responsible for bringing youth to medical and mental health appointments and authorized to consent to routine medical treatment. We recommend that during these meetings, staff be particularly mindful of the confidential nature of conversations that youth have with healthcare providers.

2. EDUCATION RECOMMENDATIONS

Our relationship with Education agencies continues to grow. Mirroring our successful collaboration with DESE last year on parental notification about bullying incidents, we are pleased to report a most recent collaboration among the Commission, DESE, GLAD, MTPC, MIAA, and PFLAG among other groups on developing guidance for schools on implementing *An Act Relative to Gender Identity*. In addition, we welcome Commissioner Chester's commitment, after the Boston hearing, to make a presentation to the Board of Education on the 2011 MYRBS data. We are also pleased to be working for the first time with EEC under Commissioner Killins.

I think that programs that we have in schools are wonderful, like the Safe Schools program. I think that supports that we have in place for parents are wonderful, but we need to do more. We need to make sure that they feel supported and they feel safe.

– Dianne Monnin

DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION (DESE)

We are encouraged by our recent collaboration with the Department surrounding practice guidance for implementation of *An Act Relative to Gender Identity*. We welcome future collaboration with DESE, for example on applying for federal funding to help promote healthy outcomes among LGBT students, such as the APA's Healthy LGBT Students Project.

DESE Recommendations:

1. Hire a full-time staff person to support the Safe Schools Program for LGBT Students.
2. Assume responsibility for the statewide network of student organizations that support LGBT youth.
3. Integrate LGBT-related topics into the Common Core curricula, curriculum frameworks, and Conditions for School Effectiveness.
4. Fully implement *An Act Relative to Bullying in Schools* by training 100 percent of teachers and staff about preventing bias-based bullying over the next 24 months.
5. Fully implement *An Act Relative to Gender Identity* by making technical assistance and guidance available to districts and schools.
6. Add a question on gender identity to the 2013 YRBS survey.
7. Conduct a public presentation of the results of the 2011 MA-YRBS to the Board of Education within the next six months.
8. Reduce discriminatory criminal justice involvement in schools.

Background

The Commission has been working in collaboration with DESE on multiple initiatives: trainings for school personnel on bias-based bullying; the formation of a statewide network of gay-straight alliances (GSAs) and similar organizations; and implementation of policy guidance to fully apply *An Act Relative to Gender Identity*. As we heard repeatedly at the hearings, from teachers, students, guidance counselors, and administrators in public schools, there is much work that needs to be done to ensure that LGBT students are safe and supported while in school. Research shows that a safe school climate is an important step in suicide prevention (Haas et al., 2010).

Testimony from the Hearings

At the Boston hearing, a parent spoke about the importance of making guidance and training available so that educators can better serve gender-nonconforming children. She explained that few of the individuals involved in her son's education were equipped to understand his desire to

dress as a girl. “What was hard for me, as a mom, was having to go to the schools and be an educator of the educators,” she said. For instance, she described introducing herself to an elementary school principal to discuss her son’s needs. “Her jaw dropped. She said, ‘I don’t know what you’re talking about. I’ve never heard of this. You’ll have to teach me.’... There are some parents out there that don’t want to be a teacher and are not able to be a teacher, and I worry about those children.”

The story told by a member of the North Shore Alliance of GLBT Youth further demonstrates the need for the implementation of *An Act Relative to Gender Identity* and for greater commitment to making transgender students feel safe and supported. “Not all LGBT youth are out, but we still need to make schools feel safe for them. Which bathroom do I go to?” the student asked. “Do I go to the male’s or the female’s? I don’t feel like I can even go to the bathroom just because of that. If I go to the female’s, then my friends are asking me, ‘Why are you going to that one? Aren’t you a boy?’ If I go to the male’s, then they’re going to look at me. ‘Aren’t you a girl? You look like a girl.’ I asked the school to make some gender-neutral bathrooms and we haven’t seen any. Maybe if we make schools a little safer and give students something as little as that, we’re making some safe zones for transgender youth to go to.” The student also said that using appropriate names and pronouns within the classroom is a major issue, indicating the necessity of competency training for both staff and students.

Jonathan Nardi, a guidance counselor, suggested that greater top-down support and visibility are essential for LGBT students. “We need GLBT curriculum not only in our guidance programs and health classes – we need it in our core subject areas too. We need to be teaching about Harvey Milk and the Stonewall Riots in social studies classes. Teachers should not be afraid to have their students read novels that have GLBT characters in them... Schools do not take that route on their own. They are afraid to,” he said. Nardi also noted that visibility goes beyond the textbooks. As a gay man himself, Nardi explained that he wanted to be a role model for his students but that it was difficult to be out in a school environment, despite a supportive administration. “It took a great deal out of me to tell my coworkers that I am gay,” he told us. “In fact, I got married without any of them even knowing it.”

An athlete added a student’s perspective to Nardi’s testimony, saying, “Students aren’t necessarily involved in GSAs, but they all have to go through English class, history class, and all that stuff. I think following California’s lead would be the best chance we have at successfully putting those issues in the classroom.” His own coming out story illustrated the impact of having positive role models within the school. He explained that his decision to come out was born in part from a story about an openly gay football captain. Additionally, he told us, “There are many openly gay teachers. There’s a GSA at my school. We celebrate Day of Silence. There’s a lot of discussion and acceptance of LGBT people, despite their struggles. That inspired me to come out.”

A former student from the Leominster school system reported: “The schools were not really gay-friendly. I had my mom’s support, and I started a GSA, but I know once I left the school, they didn’t do it again. . . The middle school was all top secret about it. They were like, ‘You’re allowed to go, but you can’t tell anybody about it.’ And I think a lot of schools are like that.”

Cathy Couture, a long-time elementary school nurse, underscored the need for increased training and programs such as Safe Schools. “Essential to the nurses are the awareness, training, and tools to do the work,” she told us. “We need posters, safe zone stickers, and handouts for all the children. We need specialized sexuality training. We need to hear from the kids.” Despite the persistence of elementary school bullying, she has seen small steps – such as hanging posters of families with gay or lesbian parents, provided through the Safe Spaces program – create opportunities for discussion and understanding. One child of a lesbian couple, she said, saw one of the posters and “couldn’t believe it existed.”

Expanded Recommendations

Access

1. **Hire a full-time person in FY14 to administer and expand the Safe Schools Program for LGBT Students and provide direct and material support for the program.** No education program or campaign can succeed without DESE funds and support. Such an approach will significantly improve implementation of the Board’s Recommendations and Regulations for the state’s student anti-discrimination and anti-bullying laws as they relate to LGBT students, including provision of professional development and technical assistance to school districts concerning these mandates. The Commission urges DESE to continue to expand the scope of LGBT-related programs in elementary and middle schools.
2. **Assume responsibility for the statewide network of student organizations that support LGBT youth.** Through the revived Safe Schools Program for LGBT students, we expect that the Department will be able to assume responsibility for LGBT student leadership initiatives, such as the Student Leadership Camp, and regional workshops. We recommend a goal of doubling the number of schools with GSAs or other LGBT student organizations, particularly those with majority-minority populations. While the Commission hopes to be able to continue to support bullying prevention work through funding in the FY14 budget, we must work together and leverage all possible resources within the schools.
3. **Integrate LGBT-related topics into the Common Core curricula, curriculum frameworks, and Conditions for School Effectiveness.** As part of the Common Core, integrate LGBT-related topics, including the contributions to history and culture made by LGBT people of all races and ethnicities, in school curricula, textbooks, and library materials. These recommendations were made in 1993 by Governor Weld’s Commission on Gay and Lesbian Youth but were never adopted. Research shows that LGBT inclusion in curricula correlates with all students—regardless of sexual orientation—feeling safer in school (Burdge, Sinclair, Laub, & Russell, 2012; Russell et al., 2006).

Training

4. **Fully implement *An Act Relative to Bullying in Schools* with explicit attention to bias-based bullying.** Per DESE guidance following the enactment of General Laws chapter 71, Section 37O (*An Act Relative to Bullying in Schools*), bullying prevention trainings and

programs for educators, staff, and students must be evidence-based and include specific efforts to reduce bias-based bullying aimed at those populations referenced in the law as being disproportionately targeted (e.g. students with disabilities, homeless students, LGBT students). All teachers, school staff, and social service providers should be trained in identifying, preventing, intervening in, and stopping anti-LGBT bullying. Such training should include how to provide LGBT students and their families with clinically and culturally competent support. Where possible such competency should be measured and demonstrated as a licensing requirement. We recommend a plan for achieving 100 percent training over the next 24 months. Lastly, we commend the Department's January 2011 guidance regarding parental notification in cases of bullying based on actual or perceived sexual orientation or gender identity and ask that the Commissioner urge principals to send the name of their designated liaison and GSA adviser, if they have one, to the Safe Schools director and/or the Commission.

Policies and Guidance

5. **Fully implement *An Act Relative to Gender Identity*.** DESE is currently working on making available to districts and schools guidance, training, resources, and technical assistance to ensure equal educational opportunity for transgender and gender-nonconforming students and to support them and their families with clinical and cultural competence. We applaud the Department's efforts to work with the Massachusetts Transgender Political Coalition (MTPC), Gay & Lesbian Advocates & Defenders (GLAD), Parents, Families, and Friends of Lesbians and Gays (PFLAG), and the Massachusetts Interscholastic Athletic Association (MIAA) to create this guidance, in particular the tireless efforts of John Bynoe, Rachelle Engler Bennett, and Dianne Curran – and we urge its speedy finalization and dissemination across the Commonwealth, directly from the Commissioner's office. Further, we ask that DESE appropriate funds for the remainder of FY13 for training and technical assistance around these new regulations and guidance, including regional conferences for administrators, guidance staff, and student leaders.
6. **Add a question on gender identity to the 2013 MYRBS survey.** We recommend that DESE follow up on its recent surveys of school principals on transgender students, via the School Health Profiles Questionnaires and their follow-up survey, by adding one or more gender identity questions to the 2013 MYRBS. In particular, we recommend that DESE adopt the language that has been tested and is currently being implemented in the YHS survey conducted by DPH. Consistent language across the two surveys will better enable researchers and policy-makers to compare the results of the data.
7. **Conduct a public presentation of the results of the 2011 MYRBS to the Board of Education within the next six months.** To recommend effective policies for Massachusetts students to succeed, the board must be familiar with barriers to learning made explicit in the Youth Risk Behavior Survey. Board members report they have never been given this information. Twelve years of state YRBS data show significant disparities in health risk for sexual minority students as compared with their heterosexual peers. Disproportionate levels of depression, suicidality, violence, truancy, substance use, and risky sexual activity are alarming and must be specifically targeted for reduction. Sexual minority students of color

are at even greater risk in many measures than white sexual minority students, and need targeted attention.

8. **Reduce discriminatory criminal justice involvement in schools.** The YRBS and other data indicate that LGBT youth are disproportionately at risk for truancy, violence, substance use and other risks (e.g., unaccompanied homelessness) that could increase their chances of becoming involved with the juvenile justice system. Research on the school-to-prison pipeline and crossover youth in the child welfare and juvenile justice systems shows that, once singled out for negative attention in school and the home, youth find themselves locked into the system (Sullivan, 1996). What is surprising is the disparate treatment of LGBT youth, particularly LGBT youth of color, when it comes to discipline in schools (Himmelstein & Bruckner, 2010). A national longitudinal study of youth in schools demonstrated that non-heterosexual youth suffer disproportionate school sanctions and punishments “that are not explained by greater engagement in illegal or transgressive behaviors” (Himmelstein & Bruckner, 2010, 49). According to the study, “teachers often overlook harassment of nonheterosexual students by their peers, and youth who report such abuse are frequently ignored or blamed for their victimization.” We urge DESE to disrupt the school-to-prison pipeline for LGBT youth by implementing the recommendations that the ACLU of Massachusetts and Citizens for Juvenile Justice offer in their recent publication, titled [*Arrested Futures*](#) (Dahlberg, 2012).

DEPARTMENT OF EARLY EDUCATION AND CARE (EEC)

EEC has been active since July 1, 2005, and has important priorities working with teen parents and licensing organizations that work with the government. We look forward to working with EEC to address issues relating to LGBT youth.

EEC Recommendations:

1. Increase the number of safe spaces available for LGBT youth.
2. Provide LGBT cultural competency training for program providers.
3. Partner with DCF on ongoing joint training programs.
4. Enforce LGBT cultural competency as a regulatory requirement for adoption and foster care providers.

Background

Given the disproportionate rates of family rejection and homelessness among LGBT youth, temporary shelters, foster families, and other state-licensed care facilities play a significant role in the lives of LGBT youth. Unfortunately, many LGBT young people report negative experiences in such spaces. As Cathy Kristofferson of Join the Impact MA testified at our public hearings, “Countless youth tell us how it is safer on the streets than any available shelter.” According to a guide by the American Bar Association, nearly one hundred percent of LGBT youth in group homes had experienced verbal harassment (Laver & Khoury, 2008). Seventy percent reported being subject to violence, and 78 percent had either run away or been removed from a foster placement for reasons relating to their sexuality. In other instances, youth find themselves forced back into the closet by foster parents or professional staff.

Without access to supportive care and caregivers, LGBT youth have heightened risks of negative health outcomes and face a more difficult transition to adult life (Child Welfare League of America, 2012). For example, as Amy Epstein of Holyoke Equal Rights Action (HERA) stated at the public hearing in Holyoke, “Most of the foster care is a million times worse than home. So, you really have to think about what’s the safest option. . . Even if their home isn’t safe, it doesn’t really matter – there’s no safe alternative. I have kids that sleep in the park on a regular basis.”

Expanded Recommendations

Access

1. **Increase number of safe homes available for LGBT youth.** We are heartened to learn that in addition to Waltham House, there are dedicated beds for LGBT youth in pre-independent living programs in Lowell (The GRIP Project of JRI), the Boston Metro-West area (Wayside Youth & Family), and an additional space in Waltham (Rediscovery House). We urge EEC

and DCF to work together to ensure that DCF workers are aware of these resources, and can make proper referrals. There continues to be an urgent need for – and awareness of the existence of – safe spaces for LGBT youth throughout the Commonwealth, particularly in western Massachusetts.

Training

2. **Provide LGBT cultural competency training for program providers.** LGBT youth who live with their families may still struggle with negative home environments. Providers of after-school or “out of school time” (OST) programs are well positioned to reach out to LGBT youth who are searching for alternatives to spending time at home, as well as to reach out to families. As John Gintell, Co-Chair of the Cambridge GLBT Commission, stated, OST programs “are havens for kids and for GLBT kids whose own homes are a mess, so they don’t want to go home. It’s very important that these institutions have good policies and practices so that there is training for staff.” Staff training is important not only for creating safe havens, but for creating a bridge in communications with parents and families, to ensure that young people are safe at home as well. We understand that EEC is currently investigating online training modules for this purpose, and we are eager to work with the Department to ensure their success. Logical locations within the online training portal include the “Understanding Growth and Development of Children” or “Guiding and Interacting with Children and Youth” [training modules](#).
3. **Partner with DCF on ongoing joint training programs.** There is significant overlap in the populations that EEC and DCF serve in the child welfare arena. The Commission recommends that the two agencies partner with one another to ensure across-the-board training to social workers, foster families, and contracting organizations. We note that programs like the Family Center’s “Parenting Journey” program have provided trainings for LGBTQ parents in the past (in New York), and encourage both agencies to share their expertise, and to think creatively about collaborating with pre-existing programs to provide training opportunities for providers and the parents who work with them.

Policies and Guidance

4. **Add LGBT cultural competency as a regulatory requirement for adoption / foster care providers.** All contracting organizations, whether faith-based or not, that receive government funds to provide social services or that care for children in state custody must adhere to professional and legal standards of care: providing for nondiscriminatory, competent and nonjudgmental services to LGBTQ youth and foster and adoptive parents. We recommend that the department modify regulation 102 CMR 5 to reflect the language in 102 CMR 1.03, regarding protected categories. In addition, we recommend that EEC follow [federal guidelines](#) on working with LGBT youth, and that EEC adopt DCF regulation 110 CMR 7.104, which requires that licensed foster / adoptive homes must be able to nurture children in the home, “including supporting and respecting a child’s sexual orientation or gender identity.” We encourage EEC to think creatively about collaborating with pre-existing programs to provide training opportunities for providers and the parents who work with them.

DEPARTMENT OF HIGHER EDUCATION (DHE)

This is the first time that the Commission has made recommendations to DHE. We welcome the opportunity to collaborate with the Department to promote welcoming campus climates and improve educational outcomes for LGBT students.

DHE Recommendations:

1. Ensure support for LGBT-inclusive student groups.
2. Fully enforce anti-discrimination policies that are inclusive of sexual orientation and gender identity, as well as other protected categories.
3. Collect information around educational outcomes for LGBT students to improve policies, programs, and services.

Background

The Massachusetts System of Public Higher Education provides critical educational opportunities to nearly 300,000 students (Massachusetts Department of Higher Education). Its mission statement articulates its goal to provide accessible and relevant programs that meet the changing individual and societal needs for education and employment. National research, however, suggests that LGBT students face barriers to accessing and thriving in higher education programs, due to harassment and discrimination.

Despite the existence of inclusive anti-discrimination policies, many LGBT students and staff members continue to face harassment or feel pressured to hide their sexual orientation or gender identity. A report by Campus Pride indicates that LGBT individuals are significantly more likely to experience harassment compared to their non-LGBT peers (Rankin, Weber, Blumenfeld, & Frazer, 2010). Harassment based on sexual orientation or gender identity may intersect with racial bias, resulting in even higher levels of harassment for LGBT people of color (Rankin, 2003).

Concerns over campus climate can interfere with the education provided to LGBT students. LGBT students are more likely to consider withdrawing from their institution and to fear for their physical safety (Rankin et al., 2010). Additionally, LGBT students often feel that their college or university does not provide adequate resources on LGBT issues or respond appropriately to issues of campus harassment (Rankin et al., 2010).

At our hearings, student Laura Valliere shared with us a research project conducted on campus climate for sexual minority students at Springfield College. While her findings were useful in providing a snapshot of the experiences of gay, lesbian, and bisexual students at Springfield, they also illuminated issues that are relevant for college students across the state. “The college needs to develop and offer programs that educate the campus as a whole about gay, lesbian, and bisexual issues,” she concluded.

Expanded Recommendations

Access

1. **Ensure support for LGBT-inclusive student groups.** As one student reported at the Holyoke hearing, students face similar challenges in higher education as they do at the middle school and high school levels when it comes to support for student organizations. We recommend that DHE build support for student groups, such as Gay-Straight Alliances or LGBT Alliances, on college campuses.

Since negative talk about gay, lesbian, and bisexual people was described as a significant problem both in 2005 and the current study, it is clear that Springfield College needs to embark on some educational training in this regard. The college also needs to facilitate the creation and/or maintenance of gay, lesbian, and bisexual clubs and events. These clubs should: create a support group, provide social opportunities, educate the campus, and take political action...Every student at Springfield College deserves the right to develop their spirit, mind, and body without being hindered by lack of acceptance and negative treatment.

– Laura Valliere

Policies and Guidance

2. **Fully enforce anti-discrimination policies that are inclusive of sexual orientation and gender identity, as well as other protected categories.** The Commission urges DHE to ensure that gender identity is incorporated into existing anti-discrimination policies and diversity plans and that policies are consistent with *An Act Relative to Gender Identity*. Additionally, we encourage DHE to make available to colleges and universities guidance, training, resources, and technical assistance to promote equal educational opportunities for LGBT students. Diversity plans and policies to reexamine include those relating to housing, bias incident reporting protocols, health services and health insurance plans, and changing identity documents, among others.
3. **Collect information around educational outcomes for LGBT students to improve policies, programs, and services.** We recommend that DHE include LGBT students when researching and addressing disparities in student success rates by demographic – in particular, in the [Vision Project](#), the Administration's Strategic Plan for public higher education in Massachusetts.

3. RECOMMENDATIONS TO THE GREAT AND GENERAL COURT

The Commission is thankful for the continued support of the legislature, particularly the members of the LGBT Caucus and the Black and Latino Caucus, the Senate President, and the Speaker of the House. From supporting our enactment in 2006 through testifying at our Boston hearing in 2012, we are heartened by the longstanding support from the legislature.

Legislative Recommendations:

1. Add public accommodations to *An Act Relative to Gender Identity*.
2. Provide funding and resources to schools to adequately implement *An Act Relative to Bullying in Schools* and *An Act Relative to Gender Identity*.
3. Expand *An Act Relative to Bullying in Schools* to include enumerated categories and data collection.
4. Mandate age-appropriate, medically-accurate, and comprehensive health education in schools.
5. Strongly consider the recommendations of the Special Commission on Unaccompanied Homeless Youth.

Expanded Recommendations

1. **Add public accommodations to *An Act Relative to Gender Identity*.** The new law added gender identity as a protected category under chapters 71, 76, and 151B of the Massachusetts General Laws provides protections when seeking employment, housing, and credit, or accessing publicly funded primary and secondary education. A difficult decision that advocates and lawmakers had to make in the fall of 2011 was around public accommodations. Opponents of the Transgender Equal Rights Act dubbed it the “Bathroom Bill,” raising the specter of men wearing dresses and assaulting women in public bathrooms, despite the fact that 14 states and the District of Columbia passed inclusive public accommodation laws without incident. Fear surrounding the optics of this issue made it difficult for the law to garner support. Bill proponents ultimately decided to eliminate public accommodations from the bill, and it passed. Areas of public accommodation include any places where public life is conducted including restaurants, hotels, coffee shops, public transportation, hospitals and museums. Additionally, no other category of people protected by the state’s non-discrimination protections is denied protections in areas of public accommodation. The Commission recommends that the Great and General Court provide clarity and consistency to the law by adding public accommodations to the areas protected under *An Act Relative to Gender Identity*.
2. **Provide funding resources to the schools to adequately implement *An Act Relative to Bullying in Schools* and *An Act Relative to Gender Identity*.** As the American Foundation for Suicide Prevention’s national recommendations make clear, bullying prevention and a safe school climate are crucial to suicide prevention efforts in schools (Haas et al., 2010).

The Commission recommends that the legislature restore “shall spend” language to line item 7010-0005 for the Department of Elementary and Secondary Education. For the past two years, the Commission has received a \$100,000 line item in the state budget to promote anti-bullying work in schools. While this funding has been much appreciated and well-spent, it is insufficient to fully implement *An Act Relative to Bullying in Schools*, let alone an additional law requiring policy guidance and technical assistance.

3. **Expand *An Act Relative to Bullying in Schools* to include enumerated categories and data collection.** The Commission supports the recommendations of the Attorney General’s Bullying Prevention Commission on the impact of *An Act Relative to Bullying in Schools*, and supports the inclusion of enumerated categories and collecting data on bullying reports and investigations across the Commonwealth, and extending the life of the Bullying Prevention Commission.
4. **Mandate age-appropriate, medically-accurate, and comprehensive health education in schools.** The Commission supports legislation that would require age-appropriate and medically-accurate comprehensive sexuality education and sexual health consumer education in health class at all levels. As Boston City Councilor Ayanna Pressley stated at the Boston public hearing, “Parents want it, kids need it, and science says it works.”

It does seem that LGBT issues are swept under the rug a lot of times when talking to students in the general population [about sexual health]. Although going to a GSA is an amazing community, if you don’t go, there’s no way you’re going to learn. . . We have sexual education classes. They do not, however, teach any other type of sex besides that it’s a thing for reproduction and how to stop it, what birth control is. They’re very unwilling to step into unconventional ways of teaching. We had asked the GSA, ‘When you hear the word sex, what comes to mind? How do you define it?’ After bringing that to the health teacher, the health teacher was very reluctant and still felt that teaching sexual education in school and teaching about safe sex would be equivalent to teaching children how to use drugs.

– Jake

5. **Strongly consider the recommendations of the Special Commission on Unaccompanied Homeless Youth.** Estimates suggest that up to 40 percent of unaccompanied homeless youth identify as LGBT, and in many cases family rejection and/or abusive conversion “therapies” have preceded or contributed to their homelessness (Durso & Gates, 2012). The legislature recently approved the formation of a Special Commission to address the needs of unaccompanied homeless youth across the Commonwealth. The Commission fully supports the efforts of this new entity, and urges the Special Commission to consider the needs of LGBT populations in its ongoing work. One particular area of concern is the issue of youth emancipation: Massachusetts has no statute or clear procedure for emancipation, making it more difficult for minors to access housing and services independently – a significant issue for LGBT youth who face rejection on the basis of sexual orientation or gender identity. We ask that the legislature speedily address the recommendations that come out of this Special Commission, which are expected to be made by March 31, 2013.

APPENDIX

Cultural Competency Resources

- Massachusetts Transgender Political Coalition’s [trainings and workshops](#), sessions designed to promote understanding of transgender communities and relevant issues
- The Network / La Red’s [Open Minds, Open Doors](#) project, a guide to transforming domestic violence programs to include LGBTQ survivors
- Larkin Street Stories, a new [three-part video series](#) that offers tips on best practices for providers serving homeless LGBT youth and their families
- www.FindYouthInfo.gov, a cross-cutting federal website on youth issues

Foster Care Resources

- Federal [ACF Information Memorandum](#) with training and resources for LGBTQ youth in foster care; [ACF endorses](#) new practice guidelines on LGBTQ youth in foster care, from [Lambda Legal](#)
- CWLA’s “[A Place of Respect](#)”, a guide for group care facilities serving transgender and gender-nonconforming youth
- HRC’s [All Children, All Families](#) initiative, which seeks to enhance LGBT cultural competence among child welfare professionals and to educate LGBT individuals about becoming foster or adoptive parents
- [Strategies for Recruiting Lesbian, Gay, Bisexual, and Transgender Foster, Adoptive, and Kinship Families](#) on adoptuskids.org
- [Moving the Margins: Training Curriculum for Child Welfare Services with LGBTQ Youth in Out-of-Home Care](#), a train-the-trainer manual for social workers by the National Association of Social Workers and the Lambda Legal Defense and Education Fund
- Family Acceptance Project [assessment tools](#), designed to assess family rejection and health risks for LGBT Youth
- New York City Administration for Children’s Services [policy](#) for LGBT youth and families within the child welfare system, which includes procedures for family prevention services
- National Law Center on Homelessness and Poverty and National Network for Youth’s [Alone without a Home](#), which contains a state-by-state description of youth emancipation laws, along with recommendations on how to construct an emancipation process that protects the rights and best interests of minors.

Health Resources

- Institute of Medicine’s 2011 [report](#) entitled *The Health of Lesbian, Gay, Bisexual, and Transgender People: Building a Foundation for Better Understanding*. [Note: we look forward to a response to those recommendations soon from the [National Institute of Health](#).]
- The World Professional Association for Transgender Health’s 2012 [Standards of Care for Transgender, Transsexual, and Gender Nonconforming People](#)

- Health care: [Fenway Institute's Guide to Lesbian, Gay, Bisexual, and Transgender Health](#), which provides medical professionals with guidance, practical guidelines, and clinical issues relevant to the LGBT community
- The [Joint Commission Field Guide](#), which includes in the appendix a substantial list of further resources for improving health and health care outcomes for LGBT youth
- New York City Health and Hospitals Corporation (HHC) now has a [mandatory training program](#) for all public healthcare programs, to reduce health disparities in LGBT populations
- Fenway Health provides free [Learning Modules on LGBT Health](#) regarding healthcare for LGBT populations

Juvenile Justice Resources

- [Arrested Futures: The Criminalization of School Discipline in Massachusetts' Three Largest School Districts](#), from American Civil Liberties Union & Citizens for Juvenile Justice, 2012. This report includes recommendations for reducing youth interaction with the juvenile justice system, including addressing the disproportionate use of arrest against youth of color and students with disabilities.
- New York State Office of Children and Family Services [policy](#), which commits to provide LGBT youth in residential and after-care programs with a safe and discrimination-free environment
- Equity Project's [Hidden Injustice: Lesbian, Gay, Bisexual, and Transgender Youth in Juvenile Courts](#), which includes recommendations for facilities, policy-makers, and others, at chapter 10.

Education Resources

- Quabbin Mediation's [Training Active Bystanders program](#), a peer-education model designed to teach students and educators safe intervention techniques and to build community ties
- [Stopbullying.gov](#), a national website with new resources on bullying and LGBT youth
- [California law](#) requiring the inclusion LGBT individuals in the history curriculum
- [Williams Institute](#) legislative and policy recommendations on school climate, curriculum and pedagogy, and school sports
- [LGBT Issues in the Curriculum Promotes School Safety](#) (California Safe Schools Coalition Research Brief No. 4), which contains information on the inclusion of LGBT issues in the curriculum and on school climate
- [Lessons That Matter: LGBTQ Inclusivity and School Safety](#) (Gay-Straight Alliance Network and California Safe Schools Coalition Research Brief No. 14), which considers the impact of including LGBT issues in the curriculum and has recommendations for students, staff, administrators, and community members
- [Ready, Set, Respect](#), for elementary educators on teaching respect and diversity
- [GLSEN school climate survey](#) (2011), a report that details the indicators and impact of a hostile school climate and of positive interventions
- GLAD [Got Rights](#), a collaborative project between GLAD and BAGLY that features a video and workshop on LGBT student rights
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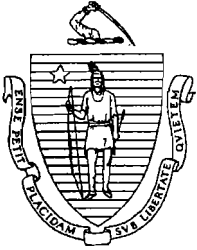
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- 102 Code Mass. Regs. 1.03.
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DEVAL L. PATRICK
GOVERNOR

TIMOTHY P. MURRAY
LIEUTENANT GOVERNOR

THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE DEPARTMENT

STATE HOUSE • BOSTON 02133

(617) 725-4000

By His Excellency

DEVAL L. PATRICK
GOVERNOR

EXECUTIVE ORDER NO. 478

ORDER REGARDING NON-DISCRIMINATION, DIVERSITY, EQUAL OPPORTUNITY, AND AFFIRMATIVE ACTION

(Revoking Executive Order 452)

WHEREAS, the Constitution of the Commonwealth of Massachusetts is based on a belief in freedom and equality for all individuals and in the duty of Government to safeguard and foster these rights;

WHEREAS, the Executive Branch of the Commonwealth of Massachusetts recognizes the importance of non-discrimination, diversity, and equal opportunity in all aspects of state employment, programs, and activities;

WHEREAS, creating a culture of inclusion that values and promotes diversity and equal opportunity for all individuals is the central objective of this Executive Order and the goal of my administration;

WHEREAS, while acknowledging the many efforts and accomplishments of the past, the Commonwealth can and must do more to ensure that non-discrimination, diversity and equal opportunity are safeguarded, promoted, and reflected in state workplaces, decisions, programs, activities, services, and contracts;

NOW, THEREFORE, I, Deval L. Patrick, Governor of the Commonwealth of Massachusetts, by virtue of the authority vested in me by the Constitution, Part 2, c. 2, § I, Art. I, do hereby revoke Executive Order 452 and order as follows:

Section 1. This Executive Order shall apply to all state agencies in the Executive Branch. As used in this Order, "state agencies" shall include all executive offices, boards, commissions, agencies, departments, divisions, councils, bureaus, and offices, now existing and hereafter established.

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OFFICE OF STATE
CLERK

Section 2. Non-discrimination, diversity, and equal opportunity shall be the policy of the Executive Branch of the Commonwealth of Massachusetts in all aspects of state employment, programs, services, activities, and decisions. Each executive officer and agency head serving under the Governor, and all state employees, shall take immediate, affirmative steps to ensure compliance with this policy and with applicable federal and state laws in connection with both the internal operations of state government as well as their external relations with the public, including those persons and organizations doing business with the Commonwealth. Each agency, in discharging its duties, shall consider the likely effects that its decisions, programs, services, and activities will have on achieving non-discrimination, diversity, and equal opportunity.

Section 3. All state agencies shall develop and implement affirmative action and diversity plans to identify and eliminate discriminatory barriers in the workplace; remedy the effects of past discriminatory practices; identify, recruit, hire, develop, promote, and retain employees who are members of under-represented groups; and ensure diversity and equal opportunity in all facets, terms, and conditions of state employment. Such plans shall set forth specific goals and timetables for achievement, shall comply with all applicable state and federal laws, and shall be updated, at a minimum, every two years.

Section 4. All programs, activities, and services provided, performed, licensed, chartered, funded, regulated, or contracted for by the state shall be conducted without unlawful discrimination based on race, color, age, gender, ethnicity, sexual orientation, religion, creed, ancestry, national origin, disability, veteran's status (including Vietnam-era veterans), or background. Equal opportunity and diversity shall be protected and affirmatively promoted in all state, state-assisted, and state-regulated programs, activities, and services. Non-compliance shall subject violators to such disciplinary or remedial actions as permitted by law. This provision applies, but is not limited to, the use and operation of facilities owned, leased, funded or subject to control by the Commonwealth; the sale, lease, rental, financing, construction, or development of housing; state-licensed or chartered health care facilities, educational institutions, and businesses; education, counseling, and training programs; and public schools.

Section 5. All Executive Branch contracts entered into after the effective date of this Order shall contain provisions prohibiting contractors and subcontractors from engaging in discriminatory employment practices; certifying that they are in compliance with all applicable federal and state laws, rules, and regulations governing fair labor and employment practices; and committing to purchase supplies and services from certified minority or women-owned businesses, small businesses, or businesses owned by socially or economically disadvantaged persons or persons with disabilities. Such provisions shall be drafted in consultation with the Office of the Comptroller and the Operational Services Division, which shall develop and implement uniform language to be incorporated into all Executive Branch contracts. The provisions shall be enforced through the contracting agency, the Operational Services Division, and/or the Massachusetts Commission Against Discrimination. Any breach shall be regarded as a material breach of the contract that may subject the contractor to appropriate sanctions.

Section 6. All state agencies shall exclude from any forms requesting information any item or inquiry expressing or soliciting specifications as to race, color, creed, religion, national origin, ethnicity, gender, age, sexual orientation, or disability, unless the item or inquiry is expressly required by statute or is deemed by the Massachusetts Commission Against Discrimination, the Massachusetts Office on Disability, the Human Resources Division, or the Office of Diversity and Equal Opportunity to be a bona fide qualification or otherwise required in good faith for a proper purpose.

Section 7. The Office of Diversity and Equal Opportunity (“ODEO”), as presently established within the Human Resources Division of the Administration and Finance Secretariat, shall be responsible for ensuring compliance with this Executive Order and with all applicable state and federal laws. ODEO shall have a Director (the “Director”), who shall be selected by and serve at the pleasure of the Governor. The Director shall report to the Commonwealth’s Chief Human Resources Officer and submit periodic written reports to the Governor. The Director shall have the authority to:

- Establish guidelines for agency affirmative action and diversity plans (“plans”);
- Review all such plans and either approve, return for amendment, or reject them;
- Establish periodic reporting requirements for agencies concerning the implementation of their plans and all actions taken to ensure compliance with this Executive Order and applicable state and federal laws;
- Provide assistance to agencies in achieving compliance with their plans and with applicable federal and state laws;
- Monitor and assess the status of agency compliance and investigate instances of non-compliance; and
- Where appropriate, determine and impose remedial courses of action, including the potential imposition of a freeze on all personnel requisitions and appointment forms submitted by any non-compliant agency to the Chief Human Resources Officer.

Section 8. Each Secretariat shall appoint a Diversity Director. Each agency shall appoint a Diversity Officer. Diversity Directors and Officers shall have a direct reporting relationship to their Secretary or Agency head; shall also report to the Director of ODEO; and shall coordinate their component’s compliance with the requirements of this Order and applicable federal and state laws. Through the Diversity Directors and Officers, and in compliance with the reporting guidelines and requirements established by ODEO, all state agencies shall submit periodic reports to the Director of ODEO concerning the status and implementation of their affirmative action and diversity plans.

Section 9. The Massachusetts Office on Disability (“MOD”), through its Director, shall be responsible for advising, overseeing and coordinating compliance with federal and state laws protecting the rights of persons with disabilities, including but not limited to the Americans with Disabilities Act (“ADA”), 42 U.S.C. §§12131-12134; Section 504 (“504”) of the Rehabilitation Act of 1973, 29 U.S.C. § 794; Article CXIV of the Massachusetts Constitution; and Chapter 6, §§ 185-87; Chapter 93, § 103; Chapter 151B; and Chapter 272, §§ 92, 98, and 98A of the Massachusetts General Laws. MOD shall

serve as the Executive Branch's designated ADA and Rehabilitation Act Coordinator, and shall provide information, training, and technical assistance and promulgate guidelines reflecting best practices, policies and procedures concerning persons with disabilities. Each agency shall appoint an ADA/504 Coordinator who shall report directly to the agency head and work with MOD concerning issues involving persons with disabilities. Notification of such appointment shall be made to MOD's Director.

Section 10. Pursuant to guidelines established by ODEO and MOD, all agency heads, managers, supervisors, and employees shall attend mandatory diversity training within one year of the effective date of this Order. For future hires, such training shall be part of the standardized orientation provided to new employees.

Section 11. ODEO and MOD shall promulgate guidelines establishing a complaint resolution process for individuals who allege non-compliance by state agencies with applicable federal and state laws prohibiting discrimination. In instances where this process does not resolve the complaint, the Director of ODEO may refer to the Massachusetts Commission Against Discrimination ("MCAD") or to MOD any information concerning conduct that the Director believes may constitute a violation of the law. The MCAD shall initiate investigations and, where necessary, file complaints against those agencies and persons whom it has reason to believe are in violation of the laws of the Commonwealth or the United States.

Section 12. In performing their responsibilities under this Order, ODEO, MOD, and the MCAD shall have the full cooperation of all state agencies, including compliance with all requests for information.

Section 13. The Governor's Non-discrimination, Diversity and Equal Opportunity Advisory Council ("Advisory Council") is hereby established to advise the Governor concerning policies, practices, and specific actions that the Commonwealth should implement to ensure that the objectives of this Executive Order are accomplished.

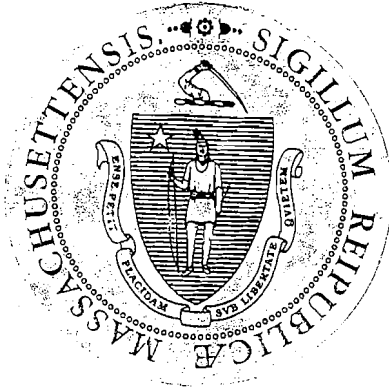
13.1 The Advisory Council shall consist of fifteen persons, including a Chair, each of whom shall be appointed by the Governor. All members shall serve without compensation at the pleasure of the Governor in a solely advisory capacity.

13.2 The Advisory Council's work shall include, but need not be limited to, making written recommendations to the Governor concerning actions, policies, and practices that the Commonwealth should implement to ensure that the objectives of this Executive Order are accomplished.

13.3 The Advisory Council shall meet at such times and places as determined by the Chair and shall submit an initial report containing its written recommendations to the Governor no later than 60 days following the appointment of the Council's 15 members. Thereafter, the Advisory Council shall meet at least semi-annually and submit supplemental reports to the Governor no less than once per year.

Section 14. Nothing in this Executive Order shall be construed to preclude or otherwise limit the continuation or implementation of any lawful affirmative action programs or other programs that support the objectives of this Executive Order.

Section 15. This Executive Order shall take effect immediately and shall continue in effect until amended, superseded or revoked by subsequent Executive Order.



Given at the Executive Chamber in Boston this 30th day of January in the year of our Lord two thousand and seven, and of the Independence of the United States of America two hundred and thirty-one.

A handwritten signature in black ink, appearing to read "Deval Patrick", is written over a horizontal line.

DEVAL L. PATRICK, GOVERNOR
Commonwealth of Massachusetts

A handwritten signature in black ink, appearing to read "William Francis Galvin", is written over a horizontal line.

William Francis Galvin
Secretary of the Commonwealth

GOD SAVE THE COMMONWEALTH OF MASSACHUSETTS



DEVAL L. PATRICK
GOVERNOR

TIMOTHY P. MURRAY
LIEUTENANT GOVERNOR

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT
STATE HOUSE • BOSTON 02133
(617) 725-4000

By His Excellency

DEVAL L. PATRICK
GOVERNOR

2007 JUN -6 PM 1:19

OFFICE OF THE
ATTORNEY GENERAL
DIVISION

EXECUTIVE ORDER NO. 486

**Establishing the Governor's Council to Address Sexual and
Domestic Violence**

(Revoking and Superseding Executive Order 450)

WHEREAS, sexual and domestic violence afflicts thousands of victims in Massachusetts;

WHEREAS, according to the National Institute of Justice, approximately 1.5 million women and 834,000 men are raped or physically assaulted by an intimate partner each year;

WHEREAS, according to the Executive Office of Public Safety, in 2006, half of all sexual assault victims who sought medical attention were under the age of 20, a third were under the age of 18, and 7% were under the age of 13;

WHEREAS, according to the Executive Office of Public Safety, in 2006, there were 24 domestic violence-related homicides in Massachusetts;

WHEREAS, according to the Massachusetts Department of Public Health, in 2005, 2,691 unduplicated incidents of sexual assault were reported to rape crisis centers and Llámanos y hablemos, the statewide Spanish language helpline;

WHEREAS, according to the United States Department of Health and Human Services, in 2005, 35,887 children in Massachusetts were found to be victims of maltreatment and 975 of those children were victims of sexual abuse;

WHEREAS, according to the Office of the Commissioner of Probation, approximately 43,000 children in Massachusetts are exposed to domestic violence annually, and an even greater number of cases go unreported;

WHEREAS, residents of this Commonwealth must be free from fear of sexual and domestic violence, and must know that all agencies of government are committed to devising new, innovative strategies to address sexual and domestic violence; providing the necessary services and legal protections to enable survivors to achieve health and safety; and ensuring that perpetrators are held fully accountable for their actions;

WHEREAS, previous administrations have regularly used advisory groups and commissions to develop useful and well-considered recommendations to reduce the frequency and severity of sexual and domestic assault, and to coordinate efforts to confront sexual and domestic violence among public safety, health, human services, and educational officials, as well as the legal, religious and business communities; and

WHEREAS, it is imperative that any future multi-agency, multi-disciplinary working group focus on devising concrete proposals that will help to eliminate sexual and domestic violence from this Commonwealth;

NOW, THEREFORE, I, Deval L. Patrick, Governor of the Commonwealth, by virtue of the authority vested in me by the Constitution, Part 2, c. 2, § 1, Art. 1, do hereby revoke Executive Order 450 and order as follows:

Section 1. There is hereby established the Governor's Council to Address Sexual and Domestic Violence. The Council shall make recommendations on all issues related to sexual and domestic violence in the Commonwealth.

Section 2. As its first order of business, the Council shall complete the following assignments by March 31, 2008:

- a. Devise a guide for Massachusetts law enforcement agencies to consult when responding to a report of an adult sexual assault;
- b. Revise and update the Massachusetts Policy for Law Enforcement Response to Domestic Violence, pursuant to Chapter 403 of the Acts of 1990. This policy was last updated in 2002.

Section 3. In addition to its specific assignments, the Council shall:

- a. consider the need for further legislation to protect victims, punish and treat perpetrators, and reduce and prevent the incidence of sexual and domestic violence;
- b. evaluate, on a continuing basis, the response of the law enforcement, judicial, and health and human service systems to the needs of sexual and domestic violence victims;
- c. consider further policy initiatives to assure the effective, uniform, and collaborative response by law enforcement, judicial, health and human service agencies, including but not limited to the enhancement of interagency communication and cooperation, as well as the timely and accurate sharing of information between law enforcement, judicial personnel, the private bar, and other victim service providers;
- d. consider measures to prevent and reduce the incidence of sexual and domestic violence through public education and awareness of sexual and domestic violence as criminal acts;

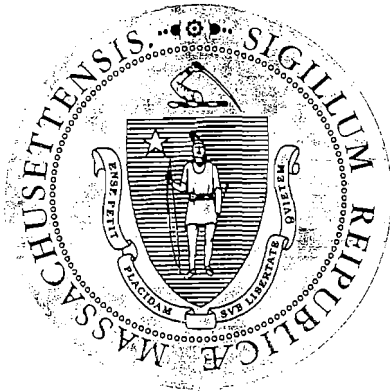
- e. consider measures which will better enable victims of domestic violence (and sexual violence when applicable) to transition from violent relationships to violence-free lives, including providing victims with necessary protection shelter, advocacy, counseling, and other identified services;
- f. locate and apply current research and evaluation information to program initiatives and policy development and identify and suggest solutions to address gaps in current knowledge of sexual and domestic violence;
- g. consider other measures to address sexual and domestic violence, and child sexual abuse, as the Council deems appropriate; and
- h. develop and submit to the Governor an annual report of the Council's findings and recommendations.

Section 4. The Lieutenant Governor or his designee shall Chair the Council. The Council shall be located within the Executive Office of Public Safety and Security. The Council shall consist of up to 30 members which the Governor shall, from time to time, appoint. Council members shall serve at the pleasure of the Governor and without compensation.

Section 5. The administrative operations of the Council shall vest with an Executive Director, who shall be appointed by, and serve at the pleasure of, the Governor. With the approval of the Chair, the Executive Director may create committees to carry out the Council's responsibilities.

Section 6. The Council shall meet at such times and at such intervals as the Chair or his designee shall direct.

Section 7. This Executive Order shall continue in effect until amended, superseded, or revoked by subsequent Executive Order.



Given at the Executive Chambers in
Boston this 6th day of June in the year
of our Lord two thousand and seven and
of the independence of the United
States, two hundred and thirty-one.

A handwritten signature in black ink, appearing to read "Deval Patrick", is written over a horizontal line.

DEVAL L. PATRICK
GOVERNOR

Commonwealth of Massachusetts

WILLIAM FRANCIS GALVIN
Secretary of the Commonwealth

GOD SAVE THE COMMONWEALTH OF MASSACHUSETTS



DEVAL L. PATRICK
GOVERNOR

TIMOTHY P. MURRAY
LIEUTENANT GOVERNOR

THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE DEPARTMENT

STATE HOUSE • BOSTON, 02133

(617) 725-4000

By His Excellency

DEVAL L. PATRICK
GOVERNOR

EXECUTIVE ORDER NO. 494

Establishing the Office of the Child Advocate

WHEREAS, one of the highest duties of the Commonwealth is to safeguard the health, safety and well-being of all its children;

WHEREAS, it is critical to ensure the highest level of accountability within agencies that are charged with the care and protection of the Commonwealth's children; and

WHEREAS, independent and effective oversight of agencies responsible for the care and protection of children is essential to fulfilling the Commonwealth's responsibility to its children;

NOW, THEREFORE, I, Deval L. Patrick, Governor of the Commonwealth of Massachusetts, by virtue of the authority vested in me by the Constitution, Part 2, c. 2, § 1, Art. 1, do hereby establish the Office of the Child Advocate as follows:

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OFFICE OF THE
STATE
CLERK

ARTICLE I. Purpose and Scope of the Office of the Child Advocate

1.1 The Office of the Child Advocate shall:

- (a) seek to ensure that children involved with agencies within the Executive Office of Health and Human Services (Executive Office) and, in particular, children served by the child welfare or juvenile justice systems receive timely, safe, and effective services;
- (b) examine, on a system-wide basis, the care and services that agencies of the Executive Office provide to and for children; and
- (c) advise those at the highest levels of state government, as well as the public, how the Commonwealth can improve its services to and for children.

ARTICLE II. Appointment of the Child Advocate

2.1 The Office of the Child Advocate shall be established within the Executive Office and shall be under the direction of the Child Advocate.

2.2 The Governor shall appoint the Child Advocate to a term coterminous with that of the Governor, except that the Child Advocate shall continue to serve following the end of a governor's term until a successor is appointed.

2.3 The Child Advocate shall report directly to the Secretary of Health and Human Services.

2.4 The Governor shall select the Child Advocate from three names submitted to him or her by the Ad Hoc Committee to recommend a Child Advocate.

2.5 The Ad Hoc Committee shall consist of the following members: the Secretary of Health and Human Services; the Commissioner of the Department of Social Services; the Commissioner of the Department of Youth Services; a pediatrician experienced in treating child abuse designated by the Massachusetts chapter of the American Academy of Pediatrics; a child psychiatrist designated by the Massachusetts Psychiatric Society; a child psychologist designated by the Massachusetts Psychological Association; a representative from the Massachusetts Association of Mental Health; a representative of an organization which advocates on behalf of children at risk of abuse and neglect, designated by the Children's League of Massachusetts; a lawyer experienced in care and protection cases designated by the Massachusetts Bar Association; a social worker designated by the Massachusetts Chapter of the National Association of Social Workers; a person with experience in the juvenile justice system designated by the Chief Justice of the Juvenile Court Department; and a representative of organized labor to be designated by the Secretary of Labor and Workforce Development.

2.6 The Child Advocate shall devote full time to the duties of his or her office.

2.7 The Ad Hoc Committee shall recommend three names to the Governor no later than February 28, 2008.

2.8 A vacancy occurring in the position of Child Advocate shall be filled in the same manner as the original appointment, except that if the Child Advocate ceases to serve for any reason, the Governor shall appoint an acting Child Advocate who shall serve until the appointment of a successor.

ARTICLE III. Powers and Duties of the Office of the Child Advocate

3.1 The Office of the Child Advocate will be empowered to investigate, review, monitor and evaluate "critical incidents" of child abuse or neglect. A "critical incident" is one in which (a) there has been a fatality or near fatality of a child who is in the custody of or receiving services from the Executive Office or one of its constituent agencies; or (b) the circumstances of the incident are such that there is reason to believe that the Executive Office or one of its constituent agencies failed in its duty to protect the child and, as a result, the child was at imminent risk of, or suffered, serious injury.

3.2 The Office of the Child Advocate will be authorized to review any agency investigation of a critical incident and conduct its own independent investigation of any critical incident, if needed. The purpose of the critical incident investigation shall be to determine (a) the circumstances surrounding the child's death or near fatality; (b) if the agency's activities and services provided to the child and his or her family were adequate, appropriate, and complied with agency policies; and (c) whether the agency's policy, regulations, training, and/or provision of services can be improved in any way.

3.3 Before investigating any critical incident, the Child Advocate shall determine whether an investigation is being conducted by a law enforcement agency, an agency within the Executive Office, and/or the Department of Early Education and Care, and if so, the Child Advocate may defer to such agency's investigation and/or coordinate efforts to minimize the impact on the child, family and/or staff of the executive branch agency involved. In every case, the Child Advocate shall ensure that the Commissioner of the relevant executive branch agency has been notified of the Child Advocate's involvement before the Child Advocate begins his or her investigation.

3.4 The Child Advocate shall be empowered to receive complaints regarding Executive Office agencies' provision of services to children, if such complaints have not been resolved, within a reasonable time, at the agency level. Before investigating any complaint, the Child Advocate shall consider whether the complaint can be addressed through other means.

3.5 Subject to applicable federal and state law, the Child Advocate or his or her designee shall have access at any and all reasonable times to any facility, residence, program, or part thereof, that is operated, licensed, or funded by an agency within the Executive Office, and to all relevant records, reports, materials, and employees in order to better understand the needs of children in the custody of the Commonwealth or who are receiving services from an agency within the Executive Office. The Child Advocate shall be bound by any limitations on the use or release of information imposed by law upon the party furnishing such information.

3.6 At the request of the Governor or the Secretary of Health and Human Services, the Child Advocate will perform oversight functions to ensure that agencies serving children are fulfilling their obligations in the most effective and efficient manner. The Child Advocate will report and make recommendations, as appropriate, with respect to system-wide problems that might reduce the effectiveness of the care and services provided to children and their families, including suggested legislative and regulatory changes.

3.7 The Child Advocate may share with the Secretary of Health and Human Services, the Commissioner of the Executive Office agency involved, or other agency personnel the report of, or the results of, a critical incident or other investigation involving that agency. Any executive branch employees who receive or read such a document will be bound by the confidentiality provisions of this Article and any other applicable federal or state law.

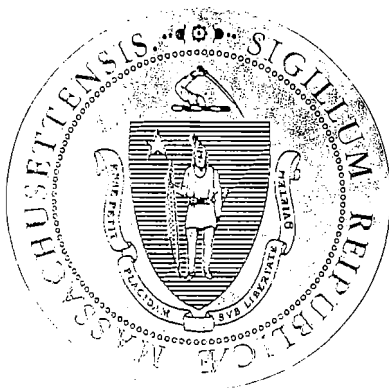
3.8 The Child Advocate, in consultation with the Executive Office and its agencies, shall develop internal procedures appropriate for the effective performance of his or her duties.

ARTICLE IV. Reports

4.1 The Child Advocate shall report annually to the Governor, the Speaker of the House, the Senate President and the Secretary of Health and Human Services on the activities of the Office of the Child Advocate, priorities for children's services, and recommendations regarding how the Commonwealth may better provide services to and for children. This report shall be made public.

ARTICLE V. Miscellaneous

5.1 To ensure the effective coordination and cooperation between the Office of the Child Advocate and agencies serving children, the Governor hereby directs each such agency within the Executive branch to make every reasonable effort to communicate and cooperate with the Office of the Child Advocate.



Given at the Executive Chamber in Boston this 20th day of December in the year of our Lord two thousand and seven and of the Independence of the United States two hundred and thirty-one.

A handwritten signature in black ink, appearing to read "Deval Patrick", written over a horizontal line.

DEVAL L. PATRICK
GOVERNOR
Commonwealth of Massachusetts

A handwritten signature in black ink, appearing to read "William Francis Galvin", written over a horizontal line.

WILLIAM FRANCIS GALVIN
Secretary of the Commonwealth

GOD SAVE THE COMMONWEALTH OF MASSACHUSETTS

B-61



Roy Loewenstein <loewenstein.roy@gmail.com>

FW: Boards and Commissions - breakdown

Hanscom, Juli (GOV) <juli.hanscom@state.ma.us>

Tue, Jun 25, 2013 at 11:19 AM

To: "Roy Loewenstein (loewenstein.roy@gmail.com)" <loewenstein.roy@gmail.com>

From: Feltch, Lauren (GOV)
Sent: Tuesday, June 25, 2013 11:19 AM
To: Hanscom, Juli (GOV)
Subject: Boards and Commissions - breakdown

Hey!

We have appointed the following candidates since approximately June of 2007.

Let me know if you need anything additional!

Men – 2118

Women – 1438

White – 2857

Black – 314

Asian – 145

Latino – 179

Native American - 7

Lauren Feltch

Deputy Director, Boards and Commissions

Office of Governor Deval Patrick

State House, Room 271-M

Boston, MA 02133

Phone: (617)725-4010

Fax: (617)725-4042

**Acts**
2010**CHAPTER 23** AN ACT RELATIVE TO HARASSMENT PREVENTION ORDERS.

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

The General Laws are hereby amended by inserting after chapter 258D the following chapter:-

CHAPTER 258E
HARASSMENT PREVENTION ORDERS

Section 1. As used in this chapter the following words shall, unless the context clearly requires otherwise, have the following meanings:-

“Abuse”, attempting to cause or causing physical harm to another or placing another in fear of imminent serious physical harm.

“Harassment”, (i) 3 or more acts of willful and malicious conduct aimed at a specific person committed with the intent to cause fear, intimidation, abuse or damage to property and that does in fact cause fear, intimidation, abuse or damage to property; or (ii) an act that: (A) by force, threat or duress causes another to involuntarily engage in sexual relations; or (B) constitutes a violation of section 13B, 13F, 13H, 22, 22A, 23, 24, 24B, 26C, 43 or 43A of chapter 265 or section 3 of chapter 272.

“Court”, the district or Boston municipal court, the superior court or the juvenile court departments of the trial court.

“Law officer”, any officer authorized to serve criminal process.

“Malicious”, characterized by cruelty, hostility or revenge.

“Protection order issued by another jurisdiction”, an injunction or other order issued by a court of another state, territory or possession of the United States, the Commonwealth of Puerto Rico, or the District of Columbia, or a tribal court that is issued for the purpose of preventing violent or threatening acts, abuse or harassment against, or contact or communication with or physical proximity to another person, including temporary and final orders issued by civil and criminal courts filed by or on behalf of a person seeking protection.

Section 2. Proceedings under this chapter shall be filed, heard and determined in the superior court

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department or the Boston municipal court department or the respective divisions of the juvenile or district court departments having venue over the plaintiff's residence. The juvenile court shall have jurisdiction over all proceedings under this chapter in which both the plaintiff and the defendant are under the age of 17.

Section 3. (a) A person suffering from harassment may file a complaint in the appropriate court requesting protection from such harassment. A person may petition the court under this chapter for an order that the defendant:

- (i) refrain from abusing or harassing the plaintiff, whether the defendant is an adult or minor;
- (ii) refrain from contacting the plaintiff, unless authorized by the court, whether the defendant is an adult or minor;
- (iii) remain away from the plaintiff's household or workplace, whether the defendant is an adult or minor; and
- (iv) pay the plaintiff monetary compensation for the losses suffered as a direct result of the harassment; provided, however, that compensatory damages shall include, but shall not be limited to, loss of earnings, out-of-pocket losses for injuries sustained or property damaged, cost of replacement of locks, medical expenses, cost for obtaining an unlisted phone number and reasonable attorney's fees.

(b) The court may order that information in the case record be impounded in accordance with court rule.

(c) No filing fee shall be charged for the filing of the complaint. The plaintiff shall not be charged for certified copies of any orders entered by the court, or any copies of the file reasonably required for future court action or as a result of the loss or destruction of plaintiff's copies.

(d) Any relief granted by the court shall not extend for a period exceeding 1 year. Every order shall, on its face, state the time and date the order is to expire and shall include the date and time that the matter will again be heard. If the plaintiff appears at the court at the date and time the order is to expire, the court shall determine whether or not to extend the order for any additional time reasonably necessary to protect the plaintiff or to enter a permanent order. When the expiration date stated on the order is on a date when the court is closed to business, the order shall not expire until the next date that the court is open to business. The plaintiff may appear on such next court business day at the time designated by the order to request that the order be extended. The court may also extend the order upon motion of the plaintiff, for such additional time as it deems necessary to protect the plaintiff from harassment. The fact that harassment has not occurred during the pendency of an order shall not, in itself, constitute sufficient ground for denying or failing to extend the order, or allowing an order to expire or be vacated or for refusing to issue a new order.

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(e) The court may modify its order at any subsequent time upon motion by either party; provided, however, that the non-moving party shall receive sufficient notice and opportunity to be heard on said modification. When the plaintiff's address is inaccessible to the defendant as provided in section 10 and the defendant has filed a motion to modify the court's order, the court shall be responsible for notifying the plaintiff. In no event shall the court disclose any such inaccessible address.

(f) The court shall not deny any complaint filed under this chapter solely because it was not filed within a particular time period after the last alleged incident of harassment.

(g) An action commenced under this chapter shall not preclude any other civil or criminal remedies. A party filing a complaint under this chapter shall be required to disclose any prior or pending actions involving the parties.

Section 4. Upon the filing of a complaint under this chapter, a complainant shall be informed that the proceedings hereunder are civil in nature and that violations of orders issued hereunder are criminal in nature. Further, a complainant shall be given information prepared by the appropriate district attorney's office that other criminal proceedings may be available and such complainant shall be instructed by such district attorney's office relative to the procedures required to initiate criminal proceedings including, but not limited to, a complaint for a violation of section 13B, 13F, 13H, 22, 22A, 23, 24, 24B, 26C, 43 and 43A of chapter 265 or section 3 of chapter 272. Whenever possible, a complainant shall be provided with such information in the complainant's native language.

Section 5. Upon the filing of a complaint under this chapter, the court may enter such temporary orders as it deems necessary to protect a plaintiff from harassment, including relief as provided in section 3.

If the plaintiff demonstrates a substantial likelihood of immediate danger of harassment, the court may enter such temporary relief orders without notice as it deems necessary to protect the plaintiff from harassment and shall immediately thereafter notify the defendant that the temporary orders have been issued. The court shall give the defendant an opportunity to be heard on the question of continuing the temporary order and of granting other relief as requested by the plaintiff not later than 10 court business days after such orders are entered.

Notice shall be made by the appropriate law enforcement agency as provided in section 9.

If the defendant does not appear at such subsequent hearing, the temporary orders shall continue in effect without further order of the court.

Section 6. When the court is closed for business or the plaintiff is unable to appear in court because of severe hardship due to the plaintiff's physical condition, the court may grant relief to the plaintiff as provided under section 5 if the plaintiff demonstrates a substantial likelihood of immediate danger of

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harassment. In the discretion of the justice, such relief may be granted and communicated by telephone to an officer or employee of an appropriate law enforcement agency, who shall record such order on a form of order promulgated for such use by the chief justice for administration and management and shall deliver a copy of such order on the next court day to the clerk or clerk-magistrate of the court having venue and jurisdiction over the matter. If relief has been granted without the filing of a complaint pursuant to this section, the plaintiff shall appear in court on the next available business day to file a complaint. If the plaintiff in such a case is unable to appear in court without severe hardship due to the plaintiff's physical condition, a representative may appear in court, on the plaintiff's behalf and file the requisite complaint with an affidavit setting forth the circumstances preventing the plaintiff from appearing personally. Notice to the plaintiff and defendant and an opportunity for the defendant to be heard shall be given as provided in said section 5.

Any order issued under this section and any documentation in support thereof shall be certified on the next court day by the clerk or clerk-magistrate of the court issuing such order to the court having venue and jurisdiction over the matter. Such certification to the court shall have the effect of commencing proceedings under this chapter and invoking the other provisions of this chapter but shall not be deemed necessary for an emergency order issued under this section to take effect.

Section 7. Any protection order issued by another jurisdiction shall be given full faith and credit throughout the commonwealth and enforced as if it were issued in the commonwealth for as long as the order is in effect in the issuing jurisdiction.

A person entitled to protection under a protection order issued by another jurisdiction may file such order with the appropriate court by filing with the court a certified copy of such order. Such person shall swear under oath in an affidavit, to the best of such person's knowledge, that such order is presently in effect as written. Upon request by a law enforcement agency, the clerk or clerk-magistrate of such court shall provide a certified copy of the protection order issued by the other jurisdiction.

A law officer may presume the validity of, and enforce in accordance with section 8, a copy of a protection order issued by another jurisdiction which has been provided to the law officer by any source; provided, however, that the officer is also provided with a statement by the person protected by the order that such order remains in effect. Law officers may rely on such statement by the person protected by such order.

Section 8. Whenever a law officer has reason to believe that a person has been abused or harassed or is in danger of being abused or harassed, such officer shall use all reasonable means to prevent further abuse or harassment. Law officers shall make every effort to do the following as part of the emergency response:

- (i) assess the immediate physical danger to the victim and provide assistance reasonably intended to mitigate the safety risk;

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- (ii) if there is observable injury to the victim or if the victim is complaining of injury, encourage the victim to seek medical attention and arrange for medical assistance or request an ambulance for transport to a hospital;
- (iii) if a sexual assault has occurred, notify the victim that there are time-sensitive medical or forensic options that may be available, encourage the victim to seek medical attention and arrange for medical assistance or request an ambulance for transport to a hospital;
- (iv) provide the victim with referrals to local resources that may assist the victim in locating and getting to a safe place; and
- (v) provide adequate notice to the victim of his rights including, but not limited to, obtaining a harassment prevention order.

Section 9. When considering a complaint filed under this chapter, the court shall order a review of the records contained within the court activity record information system and the statewide domestic violence recordkeeping system, as provided in chapter 188 of the acts of 1992 and maintained by the commissioner of probation, and shall review the resulting data to determine whether the named defendant has a civil or criminal record involving violent crimes or abuse. Upon receipt of information that an outstanding warrant exists against the named defendant, a judge shall order that the appropriate law enforcement officials be notified and shall order that any information regarding the defendant's most recent whereabouts shall be forwarded to such officials. In all instances in which an outstanding warrant exists, the court shall make a finding, based upon all of the circumstances, as to whether an imminent threat of bodily injury exists to the petitioner. In all instances in which such an imminent threat of bodily injury is found to exist, the judge shall notify the appropriate law enforcement officials of such finding and such officials shall take all necessary actions to execute any such outstanding warrant as soon as is practicable.

Whenever the court orders that the defendant refrain from harassing the plaintiff or have no contact with the plaintiff under section 3, 5 or 6, the clerk or clerk-magistrate shall transmit: (i) to the office of the commissioner of probation information for filing in the court activity record information system or the statewide domestic violence recordkeeping system as provided in said chapter 188 of the acts of 1992 or in a recordkeeping system created by the commissioner of probation to record the issuance of, or violation of, prevention orders issued pursuant to this chapter; and (ii) 2 certified copies of each such order and 1 copy of the complaint and summons forthwith to the appropriate law enforcement agency which, unless otherwise ordered by the court, shall serve 1 copy of each order upon the defendant, together with a copy of the complaint and order and summons. The law enforcement agency shall promptly make its return of service to the court. The commissioner of probation may develop and implement a statewide harassment prevention order recordkeeping system.

Law officers shall use every reasonable means to enforce such harassment prevention orders. Law enforcement agencies shall establish procedures adequate to ensure that an officer on the scene of an alleged violation of such order may be informed of the existence and terms of such order. The court shall notify the appropriate law enforcement agency in writing whenever any such order is vacated and

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shall direct the agency to destroy all record of such vacated order and such agency shall comply with that directive.

Each harassment prevention order issued shall contain the following statement:

VIOLATION OF THIS ORDER IS A CRIMINAL OFFENSE.

Any violation of such order or a protection order issued by another jurisdiction shall be punishable by a fine of not more than \$5,000, or by imprisonment for not more than 2½ years in a house of correction, or both. In addition to, but not in lieu of, the foregoing penalties and any other sentence, fee or assessment, including the victim witness assessment in section 8 of chapter 258B, the court shall order persons convicted of a violation of such an order to pay a fine of \$25 that shall be transmitted to the treasurer for deposit into the General Fund. For any violation of such order, the court may order the defendant to complete an appropriate treatment program based on the offense.

In each instance in which there is a violation of a harassment prevention order or a protection order issued by another jurisdiction, the court may order the defendant to pay the plaintiff for all damages including, but not limited to, loss of earnings, out-of-pocket losses for injuries sustained or property damaged, cost of replacement locks, medical expenses, cost for obtaining an unlisted telephone number and reasonable attorney's fees.

Any such violation may be enforced by the court. Criminal remedies provided herein are not exclusive and do not preclude any other available civil or criminal remedies. The court may enforce by civil contempt procedure a violation of its own court order.

Section 8 of chapter 136 shall not apply to any order, complaint or summons issued pursuant to this section.

Section 10. The records of cases arising out of an action brought under this chapter in which the plaintiff or defendant is a minor shall be withheld from public inspection except by order of the court; provided, however, that such records shall be open, at all reasonable times, to the inspection of the minor, such minor's parent, guardian and attorney and to the plaintiff and the plaintiff's attorney.

The plaintiff's residential address, residential telephone number and workplace name, address and telephone number, contained within the court records of cases arising out of an action brought by a plaintiff under this chapter, shall be confidential and withheld from public inspection, except by order of the court; provided, however, that the plaintiff's residential address and workplace address shall appear on the court order and be accessible to the defendant and the defendant's attorney unless the plaintiff specifically requests that this information be withheld from the order. All confidential portions of the records shall be accessible at all reasonable times to the plaintiff and plaintiff's attorney, to others specifically authorized by the plaintiff to obtain such information and to prosecutors, victim-witness

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advocates as defined in section 1 of chapter 258B, sexual assault counselors as defined in section 20J of chapter 233 and law officers, if such access is necessary in the performance of their duties. This paragraph shall apply to any protection order issued by another jurisdiction filed with a court of the commonwealth pursuant to section 7. Such confidential portions of the court records shall not be deemed to be public records under clause Twenty-sixth of section 7 of chapter 4.

Section 11. The chief justice for administration and management shall adopt a form of complaint for use under this chapter which shall be in such form and language to permit a plaintiff to prepare and file such complaint pro se.

Section 12. The court shall impose an assessment of \$350 against any person who has been referred to a treatment program as a condition of probation. Such assessment shall be in addition to the cost of the treatment program. In the discretion of the court, such assessment may be reduced or waived if the court finds that such person is indigent or that payment of the assessment would cause the person, or the dependents of such person, severe financial hardship. Assessments made pursuant to this section shall be in addition to any other fines, assessments or restitution imposed in any disposition. All funds collected by the court pursuant to this section shall be transmitted monthly to the state treasurer, who shall deposit such funds into the General Fund.

Approved, February 9, 2010.

**Acts****2010**

CHAPTER 74 AN ACT RELATIVE TO ASSAULT AND BATTERY BY MEANS OF A BODILY SUBSTANCE UPON CORRECTIONAL FACILITY EMPLOYEES AND EXPANDING THE PROHIBITION ON THE DISSEMINATION OF OBSCENITY.

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

SECTION 1. Chapter 127 of the General Laws is hereby amended by striking out section 38B, as appearing in the 2008 Official Edition, and inserting in place thereof the following section:-

Section 38B. (a) For the purposes of this section, “bodily substance” shall mean any human secretion, discharge or emission including, but not limited to, blood, saliva, mucous, semen, urine or feces.

(b) Any person in the custody of a correctional facility, including any jail, house of correction or state prison, who commits an assault or an assault and battery upon an officer or other employee, any volunteer or employee of a contractor in any such facility or any duly authorized officer or other employee of any such facility engaged in the transportation of a prisoner for any lawful purpose shall be punished by imprisonment for not more than 2 and one-half years in a jail or house of correction or for not more than 10 years in a state prison. Such sentence shall begin from and after all sentences currently outstanding and unserved at the time of said assault or assault and battery.

(c) Any person in the custody of a correctional facility, including any jail, house of correction or state prison, who commits an assault or an assault and battery by means of a bodily substance upon an officer or other employee, any volunteer or employee of a contractor in any such facility or any duly authorized officer or other employee of any such facility engaged in the transportation of a prisoner for any lawful purpose shall be punished by imprisonment for not more than 2 and one-half years in a jail or house of correction or for not more than 10 years in a state prison. Such sentence shall begin from and after all sentences currently outstanding and unserved at the time of said assault or assault and battery.

SECTION 1A. Section 26 of chapter 218 of the General Laws, as so appearing, is hereby amended by inserting after the word “ninety-four C”, in line 16, the following words:- , section 38B of chapter 127.

SECTION 2. Section 31 of chapter 272 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out, in lines 40 to 43, inclusive, the definition of “Matter” and inserting in place thereof the following definition:-

“Matter”, any handwritten or printed material, visual representation, live performance or sound

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recording including, but not limited to, books, magazines, motion picture films, pamphlets, phonographic records, pictures, photographs, figures, statues, plays, dances, or any electronic communication including, but not limited to, electronic mail, instant messages, text messages, and any other communication created by means of use of the Internet or wireless network, whether by computer, telephone, or any other device or by any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo-electronic or photo-optical system.

SECTION 3. The definition of “visual material” in said section 31 of said chapter 272, as so appearing, is hereby amended, by inserting after the word “computer”, the following words:- , telephone or any other device capable of electronic data storage or transmission.

Approved, April 12, 2010.

**Acts**
2010**CHAPTER 92** AN ACT RELATIVE TO BULLYING IN SCHOOLS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for the prevention of bullying in schools, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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

SECTION 1. Chapter 6 of the General Laws is hereby amended by inserting after section 15MMMMM the following section:-

15NNNNN. The governor shall annually issue a proclamation setting apart the fourth Wednesday in January as No Name Calling Day to increase public awareness of the devastating effects of verbal bullying, to encourage students to use positive dialogue and pledge not to use hurtful names on this designated day, to promote tolerance and respect for differences and to reaffirm the commitment of the citizens of the commonwealth to basic human rights and dignity.

SECTION 2. The third paragraph of section 1D of chapter 69 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out the fourth sentence and inserting in place thereof the following sentence:- The standards may provide for instruction in the issues of nutrition, physical education, AIDS education, violence prevention, including teen dating violence, bullying prevention, conflict resolution and drug, alcohol and tobacco abuse prevention.

SECTION 3. The first paragraph of section 37H of chapter 71 of the General Laws, as so appearing, is hereby amended by inserting after the third sentence the following sentence:- The policies shall also prohibit bullying as defined in section 37O and shall include the student-related sections of the bullying prevention and intervention plan required by said section 37O.

SECTION 4. The third paragraph of said section 37H of said chapter 71, as so appearing, is hereby amended by inserting after the first sentence the following sentence:- The student handbook shall include an age-appropriate summary of the student-related sections of the bullying prevention and intervention plan required by section 37O.

SECTION 5. Said chapter 71 is hereby further amended by inserting after section 37N the following section:-

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Section 37O. (a) As used in this section the following words shall, unless the context clearly requires otherwise, have the following meaning:-

"Approved private day or residential school", a school that accepts, through agreement with a school committee, a child requiring special education pursuant to section 10 of chapter 71B.

"Bullying", the repeated use by one or more students of a written, verbal or electronic expression or a physical act or gesture or any combination thereof, directed at a victim that: (i) causes physical or emotional harm to the victim or damage to the victim's property; (ii) places the victim in reasonable fear of harm to himself or of damage to his property; (iii) creates a hostile environment at school for the victim; (iv) infringes on the rights of the victim at school; or (v) materially and substantially disrupts the education process or the orderly operation of a school. For the purposes of this section, bullying shall include cyber-bullying.

"Charter school", commonwealth charter schools and Horace Mann charter schools established pursuant to section 89 of chapter 71.

"Cyber-bullying", bullying through the use of technology or any electronic communication, which shall include, but shall not be limited to, any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo electronic or photo optical system, including, but not limited to, electronic mail, internet communications, instant messages or facsimile communications. Cyber-bullying shall also include (i) the creation of a web page or blog in which the creator assumes the identity of another person or (ii) the knowing impersonation of another person as the author of posted content or messages, if the creation or impersonation creates any of the conditions enumerated in clauses (i) to (v), inclusive, of the definition of bullying. Cyber-bullying shall also include the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that may be accessed by one or more persons, if the distribution or posting creates any of the conditions enumerated in clauses (i) to (v), inclusive, of the definition of bullying.

"Collaborative school", a school operated by an educational collaborative established pursuant to section 4E of chapter 40.

"Department", the department of elementary and secondary education.

"Hostile environment", a situation in which bullying causes the school environment to be permeated with intimidation, ridicule or insult that is sufficiently severe or pervasive to alter the conditions of the student's education.

"Plan", a bullying prevention and intervention plan established pursuant to subsection (d).

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“Perpetrator”, a student who engages in bullying or retaliation.

“School district”, the school department of a city or town, a regional school district or a county agricultural school.

“School grounds”, property on which a school building or facility is located or property that is owned, leased or used by a school district, charter school, non-public school, approved private day or residential school, or collaborative school for a school-sponsored activity, function, program, instruction or training.

“Victim”, a student against whom bullying or retaliation has been perpetrated.

(b) Bullying shall be prohibited: (i) on school grounds, property immediately adjacent to school grounds, at a school-sponsored or school-related activity, function or program whether on or off school grounds, at a school bus stop, on a school bus or other vehicle owned, leased or used by a school district or school, or through the use of technology or an electronic device owned, leased or used by a school district or school and (ii) at a location, activity, function or program that is not school-related, or through the use of technology or an electronic device that is not owned, leased or used by a school district or school, if the bullying creates a hostile environment at school for the victim, infringes on the rights of the victim at school or materially and substantially disrupts the education process or the orderly operation of a school. Nothing contained herein shall require schools to staff any non-school related activities, functions, or programs.

Retaliation against a person who reports bullying, provides information during an investigation of bullying, or witnesses or has reliable information about bullying shall be prohibited.

(c) Each school district, charter school, approved private day or residential school and collaborative school shall provide age-appropriate instruction on bullying prevention in each grade that is incorporated into the curriculum of the school district or school. The curriculum shall be evidence-based.

(d) Each school district, charter school, non-public school, approved private day or residential school and collaborative school shall develop, adhere to and update a plan to address bullying prevention and intervention in consultation with teachers, school staff, professional support personnel, school volunteers, administrators, community representatives, local law enforcement agencies, students, parents and guardians. The consultation shall include, but not be limited to, notice and a public comment period; provided, however, that a non-public school shall only be required to give notice to and provide a comment period for families that have a child attending the school. The plan shall be updated at least biennially.

Each plan shall include, but not be limited to: (i) descriptions of and statements prohibiting bullying,

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cyber-bullying and retaliation; (ii) clear procedures for students, staff, parents, guardians and others to report bullying or retaliation; (iii) a provision that reports of bullying or retaliation may be made anonymously; provided, however, that no disciplinary action shall be taken against a student solely on the basis of an anonymous report; (iv) clear procedures for promptly responding to and investigating reports of bullying or retaliation; (v) the range of disciplinary actions that may be taken against a perpetrator for bullying or retaliation; provided, however, that the disciplinary actions shall balance the need for accountability with the need to teach appropriate behavior; (vi) clear procedures for restoring a sense of safety for a victim and assessing that victim's needs for protection; (vii) strategies for protecting from bullying or retaliation a person who reports bullying, provides information during an investigation of bullying or witnesses or has reliable information about an act of bullying; (viii) procedures consistent with state and federal law for promptly notifying the parents or guardians of a victim and a perpetrator; provided, further, that the parents or guardians of a victim shall also be notified of the action taken to prevent any further acts of bullying or retaliation; and provided, further, that the procedures shall provide for immediate notification pursuant to regulations promulgated under this subsection by the principal or person who holds a comparable role to the local law enforcement agency when criminal charges may be pursued against the perpetrator; (ix) a provision that a student who knowingly makes a false accusation of bullying or retaliation shall be subject to disciplinary action; and (x) a strategy for providing counseling or referral to appropriate services for perpetrators and victims and for appropriate family members of said students. The plan shall afford all students the same protection regardless of their status under the law.

A school district, charter school, non-public school, approved private day or residential school or collaborative school may establish separate discrimination or harassment policies that include categories of students. Nothing in this section shall prevent a school district, charter school, non-public school, approved private day or residential school or collaborative school from remediating any discrimination or harassment based on a person's membership in a legally protected category under local, state or federal law.

The plan for a school district, charter school, approved private day or residential school and collaborative school shall include a provision for ongoing professional development to build the skills of all staff members, including, but not limited to, educators, administrators, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to extracurricular activities and paraprofessionals, to prevent, identify and respond to bullying. The content of such professional development shall include, but not be limited to: (i) developmentally appropriate strategies to prevent bullying incidents; (ii) developmentally appropriate strategies for immediate, effective interventions to stop bullying incidents; (iii) information regarding the complex interaction and power differential that can take place between and among a perpetrator, victim and witnesses to the bullying; (iv) research findings on bullying, including information about specific categories of students who have been shown to be particularly at risk for bullying in the school environment; (v) information on the incidence and nature of cyber-bullying; and (vi) internet safety issues as they relate to cyber-bullying. The

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department shall identify and offer information on alternative methods for fulfilling the professional development requirements of this section, at least 1 of which shall be available at no cost to school districts, charter schools, approved private day or residential schools and collaborative schools.

The plan shall include provisions for informing parents and guardians about the bullying prevention curriculum of the school district or school and shall include, but not be limited to: (i) how parents and guardians can reinforce the curriculum at home and support the school district or school plan; (ii) the dynamics of bullying; and (iii) online safety and cyber-bullying.

The department shall promulgate rules and regulations on the requirements related to a principal's duties under clause (viii) of the second paragraph of this subsection; provided, that school districts, charter schools, approved private day or residential schools and collaborative schools shall be subject to the regulations. A non-public school shall develop procedures for immediate notification by the principal or person who holds a comparable role to the local law enforcement agency when criminal charges may be pursued against the perpetrator.

(e)(1) Each school district, charter school, non-public school, approved private day or residential school and collaborative school shall provide to students and parents or guardians, in age-appropriate terms and in the languages which are most prevalent among the students, parents or guardians, annual written notice of the relevant student-related sections of the plan.

(2) Each school district, charter school, non-public school, approved private day or residential school and collaborative school shall provide to all school staff annual written notice of the plan. The faculty and staff at each school shall be trained annually on the plan applicable to the school. Relevant sections of the plan relating to the duties of faculty and staff shall be included in a school district or school employee handbook.

(3) The plan shall be posted on the website of each school district, charter school, non-public school, approved private day or residential school and collaborative school.

(f) Each school principal or the person who holds a comparable position shall be responsible for the implementation and oversight of the plan at his school.

(g) A member of a school staff, including, but not limited to, an educator, administrator, school nurse, cafeteria worker, custodian, bus driver, athletic coach, advisor to an extracurricular activity or paraprofessional, shall immediately report any instance of bullying or retaliation the staff member has witnessed or become aware of to the principal or to the school official identified in the plan as responsible for receiving such reports or both. Upon receipt of such a report, the school principal or a designee shall promptly conduct an investigation. If the school principal or a designee determines that bullying or retaliation has occurred, the school principal or designee shall (i) notify the local law enforcement agency if the school principal or designee believes that criminal charges may be pursued

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against a perpetrator; (ii) take appropriate disciplinary action; (iii) notify the parents or guardians of a perpetrator; and (iv) notify the parents or guardians of the victim, and to the extent consistent with state and federal law, notify them of the action taken to prevent any further acts of bullying or retaliation.

(h) If an incident of bullying or retaliation involves students from more than one school district, charter school, non-public school, approved private day or residential school or collaborative school, the school district or school first informed of the bullying or retaliation shall, consistent with state and federal law, promptly notify the appropriate administrator of the other school district or school so that both may take appropriate action. If an incident of bullying or retaliation occurs on school grounds and involves a former student under the age of 21 who is no longer enrolled in a local school district, charter school, non-public school, approved private day or residential school or collaborative school, the school district or school informed of the bullying or retaliation shall contact law enforcement consistent with the provisions of clause (viii) of the second paragraph of subsection (d).

(i) Nothing in this section shall supersede or replace existing rights or remedies under any other general or special law, nor shall this section create a private right of action.

(j) The department, after consultation with the department of public health, the department of mental health, the attorney general, the Massachusetts District Attorneys Association and experts on bullying shall: (i) publish a model plan for school districts and schools to consider when creating their plans; and (ii) compile a list of bullying prevention and intervention resources, evidence-based curricula, best practices and academic-based research that shall be made available to schools. The model plan shall be consistent with the behavioral health and public schools framework developed by the department in accordance with section 19 of chapter 321 of the acts of 2008. The resources may include, but shall not be limited to, print, audio, video or digital media; subscription based online services; and on-site or technology-enabled professional development and training sessions. The department shall biennially update the model plan and the list of the resources, curricula, best practices and research and shall post them on its website.

SECTION 6. Said chapter 71 is hereby further amended by adding after section 92, added by section 8 of chapter 12 of the acts of 2010, the following section: -

Section 93. Every public school providing computer access to students shall have a policy regarding internet safety measures to protect students from inappropriate subject matter and materials that can be accessed via the internet and shall notify the parents or guardians of all students attending the school of the policy. The policy and any standards and rules enforcing the policy shall be prescribed by the school committee in conjunction with the superintendent or the board of trustees of a commonwealth charter school.

SECTION 7. The sixth paragraph of section 3 of chapter 71B of the General Laws, as appearing in the

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2008 Official Edition, is hereby amended by inserting after the third sentence the following sentence:-

Whenever the evaluation of the Individualized Education Program team indicates that the child has a disability that affects social skills development or that the child is vulnerable to bullying, harassment or teasing because of the child's disability, the Individualized Education Program shall address the skills and proficiencies needed to avoid and respond to bullying, harassment or teasing.

SECTION 8. Said section 3 of said chapter 71B, as so appearing, is hereby amended by inserting after the word "proficiencies", in line 154, the following words:- ; the skills and proficiencies needed to avoid and respond to bullying, harassment or teasing.

SECTION 9. Section 43 of chapter 265 of the General Laws, as so appearing, is hereby amended by striking out subsection (a) and inserting in place thereof the following subsection:-

(a) Whoever (1) willfully and maliciously engages in a knowing pattern of conduct or series of acts over a period of time directed at a specific person which seriously alarms or annoys that person and would cause a reasonable person to suffer substantial emotional distress, and (2) makes a threat with the intent to place the person in imminent fear of death or bodily injury, shall be guilty of the crime of stalking and shall be punished by imprisonment in the state prison for not more than 5 years or by a fine of not more than \$1,000, or imprisonment in the house of correction for not more than 2 ½ years or by both such fine and imprisonment. The conduct, acts or threats described in this subsection shall include, but not be limited to, conduct, acts or threats conducted by mail or by use of a telephonic or telecommunication device or electronic communication device including, but not limited to, any device that transfers signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo-electronic or photo-optical system, including, but not limited to, electronic mail, internet communications, instant messages or facsimile communications.

SECTION 10. Section 43A of said chapter 265, as so appearing, is hereby amended by striking out paragraph (a) and inserting in place thereof the following paragraph:-

(a) Whoever willfully and maliciously engages in a knowing pattern of conduct or series of acts over a period of time directed at a specific person, which seriously alarms that person and would cause a reasonable person to suffer substantial emotional distress, shall be guilty of the crime of criminal harassment and shall be punished by imprisonment in a house of correction for not more than 2 ½ years or by a fine of not more than \$1,000, or by both such fine and imprisonment. The conduct or acts described in this paragraph shall include, but not be limited to, conduct or acts conducted by mail or by use of a telephonic or telecommunication device or electronic communication device including, but not limited to, any device that transfers signs, signals, writing, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo-electronic or

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photo-optical system, including, but not limited to, electronic mail, internet communications, instant messages or facsimile communications.

SECTION 11. Subsection (3) of section 13B of chapter 268 of the General Laws, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- Such act shall include, but not be limited to, an act conducted by mail or by use of a telephonic or telecommunication device or electronic communication device including but not limited to any device that transfers signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo-electronic or photo-optical system, including, but not limited to, electronic mail, internet communications, instant messages or facsimile communications.

SECTION 12. Chapter 269 of the General Laws is hereby amended by striking out section 14A, as so appearing, and inserting in place thereof the following section:-

Section 14A. Whoever telephones another person or contacts another person by electronic communication, or causes a person to be telephoned or contacted by electronic communication, repeatedly, for the sole purpose of harassing, annoying or molesting the person or the person's family, whether or not conversation ensues, or whoever telephones or contacts a person repeatedly by electronic communication and uses indecent or obscene language to the person, shall be punished by a fine of not more than \$500 or by imprisonment for not more than 3 months, or by both such a fine and imprisonment.

For purposes of this section, "electronic communication" shall include, but not be limited to, any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo-electronic or photo-optical system.

SECTION 13. The department of elementary and secondary education shall periodically review school districts, charter schools, approved private day or residential schools and collaborative schools to determine whether the districts and schools are in compliance with this act.

SECTION 14. The department of elementary and secondary education shall issue a report detailing cost-effective ways to implement the professional development requirements in subsection (d) of section 37O of chapter 71 of the General Laws; provided, further, that the report shall: (i) include an option available at no cost to school districts, charter schools, approved private day or residential schools and collaborative schools; (ii) explore the feasibility of an option for a "train-the-trainer" model, so-called, with demonstrated success and an option for online professional development; and (iii) include any other options which may be cost effective; provided, further, that the report shall include a cost estimate for the professional development; and provided, further, that the report shall be provided to the clerks of the senate and house of representatives not later than August 31, 2010; and provided, further, that the clerks of the senate and house of representatives shall forward the report to the chairs

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of the house and senate committees on ways and means and the house and senate chairs of the joint committee on education.

SECTION 15. School districts, charter schools, approved private day or residential schools and collaborative schools shall establish a bullying prevention and intervention plan in compliance with this act and shall file the plan with the department of elementary and secondary education on or before December 31, 2010; provided, however, that school districts, charter schools, approved private day or residential schools and collaborative schools shall establish and have in place the professional development provisions of the fourth paragraph of subsection (d) of section 37O of chapter 71 of the General Laws at the start of the 2010-2011 academic year. Non-public schools shall establish a bullying prevention and intervention plan in compliance with this act on or before December 31, 2010.

SECTION 16. The department of elementary and secondary education shall publish guidelines for the implementation of social and emotional learning curricula in kindergarten to grade 12, inclusive, on or before June 30, 2011. The guidelines shall be updated biennially. For purposes of this section, social and emotional learning shall mean the processes by which children acquire the knowledge, attitudes and skills necessary to recognize and manage their emotions, demonstrate caring and concern for others, establish positive relationships, make responsible decisions and constructively handle challenging social situations.

SECTION 17. The department of elementary and secondary education shall promulgate the rules and regulations required under the last paragraph of subsection (d) of Section 37O of chapter 71 of the General Laws on or before September 30, 2010.

SECTION 18. There shall be a special commission to consist of 7 members: 1 of whom shall be the attorney general or a designee who shall chair the commission; 1 of whom shall be a representative of the Massachusetts District Attorneys Association; 1 of whom shall be a representative of the Massachusetts Chiefs of Police Association; 1 of whom shall be a representative of the Massachusetts Sheriffs' Association; 1 of whom shall be a representative of the Massachusetts Association of School Committees; 1 of whom shall be a representative of the Massachusetts Association of School Superintendents; and 1 of whom shall be a representative of the Association of Independent Schools in New England who represents a Massachusetts school, for the purpose of making an investigation and study relative to bullying and cyber-bullying. The commission shall review the General Laws to determine if they need to be amended in order to address bullying and cyber-bullying; provided, further, that the commission shall also investigate parental responsibility and liability for bullying and cyber-bullying. The commission shall report to the general court the results of its investigation and study and its recommendations, if any, together with drafts of legislation necessary to carry out such recommendations, by filing the same with the clerks of the senate and the house of representatives who shall forward the same to the chairs of the joint committee on education, the chairs of the joint committee on the judiciary, and the chairs of the house and senate committees on ways and means on or before June 30, 2011.

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Approved, May 3, 2010.



Acts
2007
CHAPTER 155 AN ACT RELATIVE TO PUBLIC SAFETY AT REPRODUCTIVE HEALTH CARE FACILITIES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to increase forthwith public safety at reproductive health care facilities, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety.

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

SECTION 1. Section 120E1/2 of chapter 266 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting after the word “within”, in line 2, the following words:- or upon the grounds of.

SECTION 2. Subsection (b) of said section 120E1/2 of said chapter 266, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- No person shall knowingly enter or remain on a public way or sidewalk adjacent to a reproductive health care facility within a radius of 35 feet of any portion of an entrance, exit or driveway of a reproductive health care facility or within the area within a rectangle created by extending the outside boundaries of any entrance, exit or driveway of a reproductive health care facility in straight lines to the point where such lines intersect the sideline of the street in front of such entrance, exit or driveway.

Approved November 13, 2007.

**Acts**
2011**CHAPTER 178** AN ACT RELATIVE TO THE COMMERCIAL EXPLOITATION OF PEOPLE.

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

SECTION 1. The definition of “sex offense” in [section 178C of chapter 6 of the General Laws](#), as appearing in the 2010 Official Edition, is hereby amended by inserting after the words “chapter 265”, in line 72, the following words:- ; enticing a child under 18 via electronic communication to engage in prostitution, human trafficking or commercial sexual activity under [section 26D of said chapter 265](#); trafficking of persons for sexual servitude under section 50 of said chapter 265; a second or subsequent violation of human trafficking for sexual servitude under [section 52 of chapter 265](#).

SECTION 2. The definition of "sex offense involving a child" in said [section 178C of said chapter 6](#), as so appearing, is hereby amended by inserting after the words “chapter 265”, in line 105, the following words:- ; enticing a child under 18 via electronic communication to engage in prostitution, human trafficking or commercial sexual activity under [section 26D of said chapter 265](#); trafficking of persons for sexual servitude upon a person under 18 years of age under subsection (b) of [section 50 of said chapter 265](#).

SECTION 3. The definition of "sexually violent offense" in said [section 178C of said chapter 6](#), as so appearing, is hereby amended by inserting after the words “chapter 265”, in line 129, the following words:- ; enticing a child under 18 via electronic communication to engage in prostitution, human trafficking or commercial sexual activity under [section 26D of said chapter 265](#); trafficking of persons for sexual servitude under section 50 of chapter 265; a second or subsequent violation of human trafficking for sexual servitude under [section 52 of chapter 265](#).

SECTION 4. The definition of "sexual assault" in [section 1 of chapter 9A of the General Laws](#), as so appearing, is hereby amended by striking out, in line 19, the words “and 24B of chapter 265” and inserting in place thereof the following words:- , 24B, 26D and 50 of chapter 265.

SECTION 5. [Chapter 10 of the General Laws](#) is hereby amended by inserting after section 66 the following section:-

Section 66A. There shall be established and set up on the books of the commonwealth a separate fund to be known as the Victims of Human Trafficking Trust Fund. The fund shall consist of proceeds of assets seized and forfeited pursuant to sections 55 and 56 of chapter 265 and fines and assessments collected pursuant to [sections 50, 51 and 54 of said chapter 265](#), together with any interest or earnings accrued on such monies through investment or deposit. The state treasurer shall

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be the custodian of the fund and shall receive, deposit and invest all monies transmitted to him under this section in accordance with [sections 34 and 38 of chapter 29](#) in such a manner as to secure the highest rate of return available consistent with the safety of the fund, and shall credit interest and earnings on the trust fund corpus to the trust fund. The state treasurer shall transfer funds from the income and receipts of the fund to the victim and witness assistance board, as established in section 4 of chapter 258B, from time to time, at the request of the board. The board shall award and administer grants from the fund, without further appropriation, to public, private non-profit or community-based programs in the commonwealth to provide services to victims of offenses under said [sections 50 and 51 of said chapter 265](#).

The board shall file a report detailing the amount of funds collected and expended from the fund, along with a copy of the written criteria used to expend the funds, to the house and senate committees on ways and means not later than August 15 of each calendar year. Administrative and operational expenses directly attributable to the grants and programs funded by the fund including, but not limited to, the costs of clerical and support personnel, shall not exceed 5 per cent of the total assets of the fund in any 1 fiscal year. Any unexpended balance of monies in the fund at the end of the fiscal year shall not revert to the General Fund but shall remain available for expenditure from such fund in subsequent fiscal years. No expenditure made from the fund shall cause the fund to become deficient at any point during a fiscal year.

SECTION 6. [Section 21 of chapter 119 of the General Laws](#), as appearing in the 2010 Official Edition, is hereby amended by inserting after the definition of "51A report", the following 2 definitions:-

"Advocate", an employee of a governmental or non-governmental organization or entity providing appropriate services, or a similar employee of the department of children and families who has been trained to work and advocate for the needs of sexually exploited children.

"Appropriate services", the assessment, planning and care provided by a state agency or non-governmental organization or entity, through congregate care facilities, whether publicly or privately funded, emergency residential assessment services, family-based foster care or the community, including food, clothing, medical care, counseling and appropriate crisis intervention services, provided: (i) that such agency, organization or entity has expertise in providing services to sexually exploited children or children who are otherwise human trafficking victims; and (ii) that such services are provided in accordance with such regulations that the department of children and families may adopt or the policies of such department.

SECTION 7. The definition of "child in need of services" in said [section 21 of said chapter 119](#), as so appearing, is hereby amended by striking out the words "or (d) when not otherwise excused from attendance in accordance with lawful and reasonable school regulations, willfully fails to attend school for more than 8 school days in a quarter" and inserting in place thereof the following words :- (d) when not otherwise excused from attendance in accordance with lawful and reasonable school regulations, willfully fails to attend school for more than 8 school days in a quarter; or (e) is a sexually exploited child.

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SECTION 8. Said [section 21 of said chapter 119](#), as so appearing, is hereby further amended by inserting after the definition of "Serious bodily injury", the following definition:-

"Sexually exploited child", any person under the age of 18 who has been subjected to sexual exploitation because such person:

- (1) is the victim of the crime of sexual servitude pursuant to [section 50 of chapter 265](#) or is the victim of the crime of sex trafficking as defined in 22 United States Code 7105;
- (2) engages, agrees to engage or offers to engage in sexual conduct with another person in return for a fee, in violation of subsection (a) of section 53A of chapter 272, or in exchange for food, shelter, clothing, education or care;
- (3) is a victim of the crime, whether or not prosecuted, of inducing a minor into prostitution under by section 4A of chapter 272; or
- (4) engages in common night walking or common streetwalking under section 53 of chapter 272.

SECTION 9. Said [chapter 119](#) is hereby further amended by inserting after section 39J the following 2 sections:-

Section 39K. (a) Notwithstanding any general or special law to the contrary, the department of children and families, in collaboration with the department of mental health and other appropriate state agencies, shall: (i) provide for the child welfare services needs of sexually exploited children including, but not limited to, services for sexually-exploited children residing in the commonwealth at the time they are taken into custody by law enforcement or are identified by the department as sexually-exploited children, for the duration of any legal or administrative proceeding in which they are either the complaining witness, defendant or the subject child; and (ii) provide appropriate services to a child reasonably believed to be a sexually exploited child in order to safeguard the child's welfare. If a child reasonably believed to be a sexually exploited child declines services or is unable or unwilling to participate in the services offered, the department or any person may file a care and protection petition under section 24. Sexually exploited children shall have access to an advocate. The advocate or a member of the multidisciplinary service team established under section 51D shall accompany the child to all court appearances and may serve as a liaison between the service providers and the court.

(b) The services that shall be provided under this section shall be available to all sexually exploited children, whether they are accessed voluntarily, through a court proceeding under this section or through a referral, which may be made by any person.

(c) In determining the need for and capacity of the services that may be provided under this section, the department of children and families shall recognize that sexually exploited youth have separate and distinct service needs according to gender and appropriate services shall be made available while ensuring that an appropriate continuum of services exists.

(d) The commissioner of the department may, subject to appropriation, contract with nongovernmental organizations or entities with experience working with sexually exploited children to train law enforcement officials likely to encounter sexually exploited children in the course of their law enforcement duties. The training shall include, but not be limited to, awareness and compliance with the provisions of this section, identification of, access to, and the provision of services for sexually-exploited children and any other services the department deems necessary.

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(e) The department may apply to the victim and witness assistance board for grants from the Victims of Human Trafficking Trust Fund, established in section 66A of chapter 10,, grants from the United States Department of Justice's Office of Juvenile Justice and Delinquency Prevention or any other federal agency, or grants from any other private source to fund the law enforcement training and services for sexually-exploited children.

(f) The department shall adopt regulations to carry out this section.

Section 39L. (a) Before or after arraignment in any juvenile delinquency or criminal proceeding against a sexually exploited child alleging that such juvenile or such defendant violated the prohibition against common night walking or common streetwalking under section 53 of chapter 272 or the provisions of subsection (a) of section 53A of said chapter 272, there shall be a presumption that a care and protection petition on behalf of such child, or a child in need of services petition under section 39E, shall be filed. Any person, including the juvenile, may file a care and protection petition on behalf of such child, including a petition for emergency commitment under section 24, or a parent or a police officer may file a child in need of services petition under section 39E.

(b) The court may appoint a guardian ad litem and shall hold a hearing on such petition. The court may allow a reasonable delay in the proceedings, including any arraignment, to consider the petition. The necessary findings of fact to support the court's decision shall be reduced to writing and made part of the court record.

(c) Upon a motion by a party to the juvenile delinquency or criminal proceeding or by a guardian ad litem, unless the district attorney or the attorney general objects, and upon a finding that a child alleged to be a juvenile delinquent by reason of violating section 53 of chapter 272 or subsection (a) of section 53A of said chapter 272 is a child in need of care and protection or a child in need of services, the court shall, if arraignment has not yet occurred, indefinitely stay arraignment and place the proceeding on file. If the court finds that the child has failed to substantially comply with the requirements of services or that the child's welfare or safety so requires, the court may remove the proceeding from file, arraign the child and restore the delinquency or criminal complaint to the docket for trial or further proceedings in accordance with the regular course of such proceedings. If arraignment has already occurred, unless the district attorney or the attorney general objects, the court shall place the child on pretrial probation under section 87 of chapter 276. If appropriate, the conditions of such probation shall include, but not be limited to, requiring the child to substantially comply with all lawful orders of the court, including orders relating to any care and protection or child in need of services proceeding, and the child shall also comply with the guidance and services of the department or any designated non-governmental service provider. If the child fails to substantially comply with the conditions of probation or if the child's welfare or safety so requires, the court may in its discretion restore the delinquency or criminal complaint to the docket for trial or further proceedings in accordance with the regular course of such proceedings.

SECTION 10. Section 51A of said chapter 119, as appearing in the 2010 Official Edition, is hereby amended by striking out, in lines 5 to 9, inclusive, the words "or (iii) physical dependence upon an addictive drug at birth, shall immediately communicate with the department orally and, within 48 hours, shall file a written report with the department detailing the suspected abuse or neglect" and inserting in

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place thereof the following words:-; (iii) physical dependence upon an addictive drug at birth, shall immediately communicate with the department orally and, within 48 hours, shall file a written report with the department detailing the suspected abuse or neglect; or (iv) being a sexually exploited child; or (v) being a human trafficking victim as defined by section 20M of chapter 233.

SECTION 11. Subsection (a) of section 51B of said chapter 119, as so appearing, is hereby amended by adding the following sentence:- The department shall immediately report to the district attorney and local law enforcement authorities, a sexually exploited child or a child who is otherwise a human trafficking victim, regardless of whether the child is living with a parent, guardian or other caretaker.

SECTION 12. Clause (3) of the second paragraph of subsection (k) of said section 51B of said chapter 119, as so appearing, is hereby amended by inserting after the words "chapter 272" the following words:- or is a sexually exploited child or a child who is otherwise a human trafficking victim.

SECTION 13. Section 51D of said chapter 119, as so appearing, is hereby amended by inserting after the third paragraph the following paragraph:-

For 51A reports specifically involving a sexually exploited child or a child who is otherwise a human trafficking victim, the multi-disciplinary service team may consist of a team of professionals trained or otherwise experienced and qualified to assess the needs of sexually exploited children or children who are otherwise human trafficking victims including, but not limited to, a police officer, as defined by section 1 of chapter 90C, or other person designated by a police chief, as defined in said section 1 of said chapter 90C, an employee of the department of children and families, a representative of the appropriate district attorney, a social service provider, a medical professional or a mental health professional.

SECTION 14. Said section 51D of said chapter 119, as so appearing, is hereby further amended by inserting after the fifth paragraph the following paragraph:-

For 51B reports specifically involving a sexually exploited child, the purpose of the multi-disciplinary service team shall be to determine whether the child has been sexually exploited or is otherwise a human trafficking victim and to recommend a plan for services to the department that may include, but shall not be limited to, shelter or placement, mental health and medical care needs and other social services.

SECTION 15. Section 55B of said chapter 119, as so appearing, is hereby amended by inserting after the figure "23B", in line 17, the following words:- or section 50.

SECTION 16. Section 58 of said chapter 119, as so appearing, is hereby amended by striking out, in line 13, the words "or section 23B" and inserting in place thereof the following words:- , section 23B or section 50.

SECTION 17. Chapter 233 of the General Laws is hereby amended by inserting after section 20L the

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following section:-

Section 20M. (a) As used in this section, the following words shall, unless the context clearly requires otherwise, have the following meanings:-

"Confidential communication", information transmitted in confidence by and between a victim and a victim's caseworker by a means which does not disclose the information to a person other than a person present for the benefit of the victim, or to those to whom disclosure of such information is reasonably necessary to the counseling and assisting of such victim. The term confidential communication shall include all information received by a victim's caseworker which arises out of and in the course of such counseling and assisting including, but not limited to, reports, records, working papers or memoranda.

"Human trafficking victim" or "victim", a person who is subjected to the conduct prohibited under sections 50 or 51 of chapter 265.

"Human trafficking victims' caseworker," a person who is employed by or volunteers with a program serving human trafficking victims, who has undergone a minimum of 25 hours of training and who reports to and is under the direct control and supervision of a direct service supervisor of a human trafficking victim program, and whose primary purpose is the rendering of advice, counseling or assistance to human trafficking victims.

"Human trafficking victims' program", any refuge, shelter, office, safe house, institution or center established for the purpose of offering assistance to human trafficking victims through crisis intervention, medical, legal or support counseling.

(b) A human trafficking victims' caseworker shall not disclose any confidential communication without the prior written consent of the victim, or the victim's guardian in the case of a child, except as hereinafter provided. Such confidential communication shall not be subject to discovery in any civil, legislative or administrative proceeding without the prior written consent of the victim, or victim's guardian in the case of a child, to whom such confidential communication relates. In criminal actions such confidential communication shall be subject to discovery and shall be admissible as evidence but only to the extent of information contained therein which is exculpatory in relation to the defendant; provided, however, that the court shall first examine such confidential communication and shall determine whether or not such exculpatory information is contained in the communication before allowing such discovery or the introduction of such evidence.

(c) During the initial meeting between a caseworker and victim, the caseworker shall inform the human trafficking victim and any guardian thereof of the confidentiality of communications between a caseworker and victim and the limitations thereto.

SECTION 18. Section 21B of said chapter 233, as appearing in the 2010 Official Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- Evidence of the reputation of a victim's sexual conduct shall not be admissible in an investigation or proceeding before a grand jury or a court of the commonwealth for a violation of sections 13B, 13B ½, 13B ¾, 13F, 13H, 22, 22A, 22B, 22C, 23, 23A, 23B, 24, 24B, 50 or 51 of chapter 265.

SECTION 19. Section 4C of chapter 260 of the General Laws, as so appearing, is hereby amended by

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striking out, in line 12, the words “or twenty-four B” and inserting in place thereof the following words:- , 24B or subsection (b) of section 50.

SECTION 20. Said chapter 260 of the General Laws is hereby further amended by inserting after section 4C the following section:-

Section 4D. (a) A victim of trafficking of persons for sexual servitude under section 50 of chapter 265 or of trafficking of persons for forced services under section 51 of said chapter 265 may bring a civil action for trafficking of persons for forced labor or services or sexual servitude. The court may award actual damages, compensatory damages, punitive damages, injunctive relief or any other appropriate relief. A prevailing plaintiff shall also be awarded attorney's fees and costs. Treble damages may be awarded on proof of actual damages if the defendant's acts were willful and malicious.

(b) A civil action for trafficking of persons for forced labor or services or sexual servitude shall be commenced within 3 years of the date on which the human trafficking victim was freed from human trafficking or, if the victim was a child during the commission of the offense, within 3 years after the date the plaintiff attains the age of 18.

(c) If a person entitled to sue is under a disability at the time the cause of action accrues, such that it is impossible or impracticable for such person to bring an action, the time during which the plaintiff is under a disability shall toll the statute until the disability ceases.

(d) In the event that a child plaintiff is under a disability, the failure of the child's guardian ad litem to bring a plaintiff's action within the applicable limitation period shall not prejudice the plaintiff's right to do so after his disability ceases.

(e) A defendant shall be estopped from asserting a defense of the statute of limitations if the expiration of the statute is due to the defendant inducing the plaintiff to delay the filing of the action, preventing the plaintiff from filing the action or threats made by the defendant that caused duress upon the plaintiff.

(f) Any legal guardian, family member, representative of the human trafficking victim or court appointee may represent the human trafficking victim's rights, in the event the human trafficking victim is deceased or otherwise unable to represent his own interests in court.

SECTION 21. Section 24C of chapter 265 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting after the word “sixty-five”, in line 7 , the following words:- , or an arrest, investigation or complaint for trafficking of persons under section 50 of said chapter 265.

SECTION 22. Said chapter 265 is hereby further amended by inserting after section 26C the following section:-

Section 26D. (a) As used in this section, the term "entice" shall mean to lure, induce, persuade, tempt, incite, solicit, coax or invite.

(b) As used in this section, the term “electronic communication” shall include, but not be limited to, any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo-electronic or photo-optical system.

(c) Whoever, by electronic communication, knowingly entices a child under the age of 18 years, to

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engage in prostitution in violation of section 50 or section 53A of chapter 272, human trafficking in violation of section 50, 51, 52 or 53 or commercial sexual activity as defined in section 49, or attempts to do so, shall be punished by imprisonment in a house of correction for not more than 2 ½ years or in the state prison for not more than 5 years or by a fine of not less than \$2,500, or by both such fine and imprisonment.

(d) Whoever, after having been convicted of, or adjudicated delinquent by reason of a violation of this section, commits a second or subsequent such violation, shall be punished by imprisonment in the state prison for not less than 5 years and by a fine of not less than \$10,000. Such sentence shall not be reduced to less than 5 years, or suspended, nor shall any person convicted under this subsection be eligible for probation, parole, work release or furlough or receive any deduction from the sentence for good conduct until that person has served 5 years of such sentence.

SECTION 23. Said chapter 265 of the General Laws is hereby amended by adding after section 48 the following 9 sections:-

Section 49. As used in sections 50 to 51, inclusive, the following words shall, unless the context clearly requires otherwise, have the following meanings:

"Commercial sexual activity", any sexual act on account of which anything of value is given, promised to or received by any person.

"Financial harm", a detrimental position in relation to wealth, property or other monetary benefits that occurs as a result of another person's illegal act including, but not limited to, extortion under by section 25, a violation of section 49 of chapter 271 or illegal employment contracts.

"Forced services", services performed or provided by a person that are obtained or maintained by another person who: (i) causes or threatens to cause serious harm to any person; (ii) physically restrains or threatens to physically restrain another person; (iii) abuses or threatens to abuse the law or legal process; (iv) knowingly destroys, conceals, removes, confiscates or possesses any actual or purported passport or other immigration document, or any other actual or purported government identification document, of another person; (v) engages in extortion under section 25; or (vi) causes or threatens to cause financial harm to any person.

"Services", acts performed by a person under the supervision of or for the benefit of another including, but not limited to, commercial sexual activity and sexually-explicit performances.

"Sexually-explicit performance", an unlawful live or public act or show intended to arouse or satisfy the sexual desires or appeal to the prurient interests of patrons.

Section 50. (a) Whoever knowingly: (i) subjects, or attempts to subject, or recruits, entices, harbors, transports, provides or obtains by any means, or attempts to recruit, entice, harbor, transport, provide or obtain by any means, another person to engage in commercial sexual activity, a sexually-explicit performance or the production of unlawful pornography in violation of chapter 272, or causes a person to engage in commercial sexual activity, a sexually-explicit performance or the production of unlawful pornography in violation of said chapter 272; or (ii) benefits, financially or by receiving anything of value, as a result of a violation of clause (i), shall be guilty of the crime of trafficking of persons for sexual servitude and shall be punished by imprisonment in the state prison for not less than 5 years but not more than 20 years and by a fine of not more than \$25,000. Such sentence shall not be

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reduced to less than 5 years, or suspended, nor shall any person convicted under this section be eligible for probation, parole, work release or furlough or receive any deduction from his sentence for good conduct until he shall have served 5 years of such sentence. No prosecution commenced under this section shall be continued without a finding or placed on file.

(b) Whoever commits the crime of trafficking of persons for sexual servitude upon a person under 18 years of age shall be punished by imprisonment in the state prison for life or for any term of years, but not less than 5 years. No person convicted under this subsection shall be eligible for probation, parole, work release or furlough or receive any deduction from his sentence for good conduct until he shall have served 5 years of such sentence.

(c) A business entity that commits trafficking of persons for sexual servitude shall be punished by a fine of not more than \$1,000,000.

(d) A victim of subsection (a) may bring an action in tort in the superior court in any county wherein a violation of subsection (a) occurred, where the plaintiff resides or where the defendant resides or has a place of business. Any business entity that knowingly aids or is a joint venturer in trafficking of persons for sexual servitude shall be civilly liable for an offense under this section.

Section 51. (a) Whoever knowingly: (i) subjects, or attempts to subject, another person to forced services, or recruits, entices, harbors, transports, provides or obtains by any means, or attempts to recruit, entice, harbor, transport, provide or obtain by any means, another person, intending or knowing that such person will be subjected to forced services; or (ii) benefits, financially or by receiving anything of value, as a result of a violation of clause (i), shall be guilty of trafficking of persons for forced services and shall be punished by imprisonment in the state prison for not less than 5 years but not more than 20 years and by a fine of not more than \$25,000. Such sentence shall not be reduced to less than 5 years, or suspended, nor shall any person convicted under this section be eligible for probation, parole, work release or furlough or receive any deduction from his sentence for good conduct until he shall have served 5 years of such sentence. No prosecution commenced under this section shall be continued without a finding or placed on file.

(b) Whoever commits the crime of trafficking of persons for forced services upon a person under 18 years of age shall be punished by imprisonment in the state prison for life or for any term of years, but not less than 5 years. No person convicted under this subsection shall be eligible for probation, parole, work release or furlough or receive any deduction from his sentence for good conduct until he shall have served 5 years of such sentence.

(c) A business entity that commits trafficking of persons for forced labor services shall be punished by a fine of not more than \$1,000,000.

(d) A victim of subsection (a) may bring an action in tort in the superior court in any county wherein a violation of subsection (a) occurred, where the plaintiff resides or where the defendant resides or has a place of business. Any business entity that knowingly aids or is a joint venturer in trafficking of person for forced labor or services shall be civilly liable for an offense under this section.

Section 52. (a) Whoever, after having been convicted of or adjudicated delinquent by reason of a violation of section 50 or 51, commits a second or subsequent violation of either section 50 or 51, shall be punished by imprisonment in the state prison for life or for any term of years, but not less than 10 years. Such sentence shall not be reduced to less than 10 years, or suspended, nor shall any person

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convicted under this section be eligible for probation, parole, work release or furlough or receive any deduction from his sentence for good conduct until he shall have served 10 years of such sentence. No prosecutions commenced under this section shall be continued without a finding or placed on file.

(b) In any prosecution commenced pursuant to this section, introduction into evidence of a prior adjudication or conviction or a prior finding of sufficient facts by either certified attested copies of original court papers, or certified attested copies of the defendant's biographical and informational data from records of the department of probation, any jail or house of correction or the department of correction, shall be prima facie evidence that the defendant before the court has been convicted previously by a court of the commonwealth or any other jurisdiction. Such documentation shall be self-authenticating and admissible, after the commonwealth has established the defendant's guilt on the primary offense, as evidence in any court of the commonwealth to prove the defendant's prior conviction described therein. The commonwealth shall not be required to introduce any additional corroborating evidence or live witness testimony to establish the validity of such prior conviction.

Section 53. (a) Whoever: (i) recruits, entices, harbors, transports, delivers or obtains by any means, another person, intending or knowing that an organ, tissue or other body part of such person will be removed for sale, against such person's will; or (ii) knowingly receives anything of value, directly or indirectly as a result of a violation of clause (i) shall be guilty of organ trafficking and punished by imprisonment in the state prison for not more than 15 years or by a fine of not more than \$50,000, or both.

(b) Whoever commits the crime of organ trafficking upon a person under 18 years of age shall be punished by imprisonment in the state prison for 5 years. Such sentence shall not be reduced to less than 5 years, or suspended, nor shall any person convicted under this subsection be eligible for probation, parole, work release, or furlough or receive any deduction from such sentence for good conduct until having served 5 years of such sentence.

Section 54. The court shall transmit fines collected pursuant to sections 50 and 51 to the state treasurer. The treasurer shall deposit such fines into the Victims of Human Trafficking Trust Fund established in section 66A of chapter 10.

Section 55. All monies furnished or intended to be furnished by any person in exchange for forced labor or services or sexual servitude, and all monies used or intended to be used to facilitate any violation of section 50 or 51 shall be subject to forfeiture to the commonwealth and shall be made available by the court to any victim ordered restitution by the court pursuant to section 3 of chapter 258B.

Section 56. (a) The following property shall be subject to forfeiture to the commonwealth and all property rights therein shall be in the commonwealth:

- (i) all conveyances, including aircraft, vehicles or vessels used, or intended for use, to transport, conceal or otherwise facilitate a violation of section 50 or 51;
- (ii) all books, records and research, including microfilm, tapes and data which are used, or intended for use, in violation of section 50 or 51;
- (iii) all negotiable instruments, securities or other things of value furnished or intended to be furnished by any person in exchange for forced labor or services or sexual servitude, all proceeds traceable to such an exchange, including real estate and any other thing of value, and all negotiable instruments

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and securities used or intended to be used to facilitate any violation of section 50 or 51; and

(iv) all real property, including any right, title and interest in the whole of any lot or tract of land and any appurtenances or improvements thereto, which is used in any manner or part to commit or to facilitate any violation of section 50 or 51.

No forfeiture under this section shall extinguish a perfected security interest held by a creditor in a conveyance or in any real property at the time of the filing of the forfeiture action.

(b) Property subject to forfeiture pursuant to clauses (i) to (iv), inclusive, of subsection (a) shall, upon motion of the attorney general or district attorney, be declared forfeit by any court having jurisdiction over said property or having final jurisdiction over any related criminal proceeding brought under this section.

(c) The court shall order forfeiture of all conveyances and real property subject to forfeiture under this section, except as follows:

(i) no conveyance used by any person as a common carrier in the transaction of business as a common carrier shall be forfeited unless it shall appear that the owner or other person in charge of such conveyance was a consenting party or privy to a violation of section 50 or 51;

(ii) no conveyance shall be forfeited by reason of any act or omission established by the owner thereof to have been committed or omitted by any person other than such owner while such conveyance was unlawfully in the possession of a person other than the owner in violation of the criminal laws of the United States, of the commonwealth or of any state; and

(iii) no conveyance or real property shall be subject to forfeiture unless the owner thereof knew or should have known that such conveyance or real property was used in violation of section 50 or 51.

(d) A district attorney or the attorney general may petition the superior court in the name of the commonwealth in the nature of a proceeding in rem to order forfeiture of a conveyance, real property or other things of value subject to forfeiture under subsection (a). Such petition shall be filed in the court having jurisdiction over the conveyance, real property or other things of value or having final jurisdiction over any related criminal proceeding brought under section 50 or 51. In all such suits in which the property is claimed by any person, other than the commonwealth, the commonwealth shall have the burden of proving to the court the existence of probable cause to institute the action, and any such claimant shall then have the burden of proving that the property is not forfeitable pursuant to subsection (c). The owner of the conveyance or real property, or other person claiming thereunder, shall have the burden of proof as to all exceptions set forth in subsections (c) and (j). The court shall order the commonwealth to give notice by certified or registered mail to the owner of the conveyance, real property or other things of value and to such other persons as appear to have an interest therein, and the court shall promptly, but not less than 2 weeks after notice, hold a hearing on the petition. Upon the motion of the owner of the conveyance, real property or other things of value, the court may continue the hearing on the petition pending the outcome of any criminal trial related to the violation of sections 50 or 51. At such hearing, the court shall hear evidence and make conclusions of law, and shall thereupon issue a final order from which the parties shall have a right of appeal. In all such suits in which a final order results in a forfeiture, the final order shall provide for disposition of the conveyance, real property or any other thing of value by the commonwealth or any subdivision thereof

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in any manner not prohibited by law, including official use by an authorized law enforcement or other public agency, or sale at public auction or by competitive bidding. The proceeds of any such sale shall be used to pay the reasonable expenses of the forfeiture proceedings, seizure, storage, maintenance of custody, advertising and notice and the balance thereof shall be distributed as further provided in this section.

(e) The final order of the court shall be deposited into the Victims of Human Trafficking Trust Fund established in section 66A of chapter 10.

(f) Any officer, department, or agency having custody of any property subject to forfeiture under this section or having disposed of the property shall keep and maintain full and complete records showing from whom it received the property, under what authority it held or received or disposed of said property, to whom it delivered the property, the date and manner of disposition of the property, and the exact kinds, quantities and forms of the property. The records shall be open to inspection by all federal and state officers charged with enforcement of federal and state human trafficking laws. Persons making final disposition of the property under court order shall report, under oath, to the court the exact circumstances of such disposition.

(g) During the pendency of the proceedings, the court may issue at the request of the commonwealth ex parte any preliminary order or process as is necessary to seize or secure the property for which forfeiture is sought and to provide for its custody including, but not limited to: an order that the commonwealth remove the property if possible and safeguard it in a secure location in a reasonable fashion; that monies be deposited in an interest-bearing escrow account; and that a substitute custodian be appointed to manage such property. Property taken or detained under this section shall not be repleviable, but once seized shall be deemed to be lawfully in the custody of the commonwealth pending forfeiture, subject only to the orders and decrees of the court having jurisdiction thereof. Process for seizure of the property shall issue only upon a showing of probable cause, and the application therefore and the issuance, execution and return thereof shall be subject to chapter 276, so far as applicable.

(h) A district attorney or the attorney general may refer any real property, and any furnishings, equipment and related personal property located therein, for which seizure is sought, to the division of capital asset management and maintenance office of seized property management, established under section 47 of chapter 94C. The office of seized property management shall preserve and manage the property in a reasonable fashion and dispose of the property upon a judgment ordering forfeiture, and to enter into contracts to preserve, manage and dispose of the property. The office of seized property management may receive initial funding from the special law enforcement trust funds of the attorney general and each district attorney under paragraph (f) and shall subsequently be funded by a portion of the proceeds of each sale of such managed property to the extent provided as payment of reasonable expenses in paragraph (d).

(i) The owner of any real property which is the principal domicile of the immediate family of the owner and which is subject to forfeiture under this section may file a petition for homestead exemption with the court having jurisdiction over such forfeiture. The court may, in its discretion, allow the petition exempting from forfeiture an amount allowed under section 1 of chapter 188. The value of the balance of the principal domicile, if any, shall be forfeited as provided in this section. Such homestead

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exemption may be acquired on only 1 principal domicile for the benefit of the immediate family of the owner.

(j) A forfeiture proceeding affecting the title to real property or the use and occupation thereof or the buildings thereon shall not have any effect except against the parties thereto and persons having actual notice thereof, until a memorandum containing the names of the parties to such proceeding, the name of the town wherein the affected real property lies, and a description of the real property sufficiently accurate for identification is recorded in the registry of deeds for the county or district wherein the real property lies. At any time after a judgment on the merits, or after the discontinuance, dismissal or other final disposition is recorded by the court having jurisdiction over such matter, the clerk of such court shall issue a certificate of the fact of such judgment, discontinuance, dismissal or other final disposition, and such certificate shall be recorded in the registry in which the original memorandum recorded pursuant to this section was filed.

Section 57. In any prosecution or juvenile delinquency proceeding of a person who is a human trafficking victim, as defined by section 20M of chapter 233, it shall be an affirmative defense to charges of engaging in common night walking or common streetwalking in violation of section 53 of chapter 272 and to a violation of section 53A of said chapter 272 that, while a human trafficking victim, such person was under duress or coerced into committing the offenses for which such person is being prosecuted or against whom juvenile delinquency proceedings have commenced.

SECTION 24. Chapter 272 of the General Laws is hereby amended by striking out section 8, as appearing in the 2010 Official Edition, and inserting in place thereof the following section:-

Section 8. Whoever solicits or receives compensation for soliciting for a prostitute shall be punished by imprisonment in a house of correction for not more than 2 and one-half years, or by a fine of not less than \$1,000 and not more than \$5,000 or by both such imprisonment and fine.

SECTION 25. Said chapter 272 is hereby further amended by striking out section 53A, as so appearing, and inserting in place thereof the following section:-

Section 53A. (a) Whoever engages, agrees to engage or offers to engage in sexual conduct with another person in return for a fee, shall be punished by imprisonment in the house of correction for not more than 1 year or by a fine of not more than \$500, or by both such imprisonment and fine, whether such sexual conduct occurs or not.

(b) Whoever pays, agrees to pay or offers to pay another person to engage in sexual conduct, or to agree to engage in sexual conduct with another person, shall be punished by imprisonment in the house of correction for not more than 2 and one-half years or by a fine of not less than \$1,000 and not more than \$5,000, or by both such imprisonment and fine, whether such sexual conduct occurs or not.

(c) Whoever pays, agrees to pay or offers to pay any person with the intent to engage in sexual conduct with a child under the age of 18, or whoever is paid, agrees to pay or agrees that a third person be paid in return for aiding a person who intends to engage in sexual conduct with a child under the age of 18, shall be punished by imprisonment in the state prison for not more than 10 years, or in the house of correction for not more than 2 and one-half years and by a fine of not less than

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\$3,000 and not more than \$10,000, or by both such imprisonment and fine, whether such sexual conduct occurs or not; provided, however, that a prosecution commenced under this section shall not be continued without a finding or placed on file.

SECTION 26. Section 87 of chapter 276 of the General Laws, as so appearing, is hereby amended by striking out, in line 11, the words “or twenty-four B” and inserting in place thereof the following words:- , 24B or subsection (b) of section 50.

SECTION 27. Section 63 of chapter 277 of the General Laws, as so appearing, is hereby amended by striking out, in line 4, the words “or 24B,” and inserting in place thereof the following words:- , 24B or subsection (b) of section 50.

SECTION 28. Said section 63 of said chapter 277, as so appearing, is hereby further amended by striking out, in line 12, the words “and 24” and inserting in place thereof the following words:- , 24 or subsection (a) of section 50.

SECTION 29. Said section 63 of said chapter 277, as so appearing, is hereby further amended by striking out, in line 25, the words “or 26A” and inserting in place thereof the following words:- 26A or 50.

SECTION 30. Section 16D of chapter 278 of the General Laws, as so appearing, is hereby amended by striking out, in lines 6 and 7, the words “or twenty-four B” and inserting in place thereof the following words:- , 24B or 50.

SECTION 31. (a) There shall be an interagency task force to address all aspects of human trafficking, including sex trafficking and labor trafficking. The task force shall consist of the attorney general or the attorney general’s designee, who shall serve as the chair, the colonel of state police or the colonel’s designee, a representative of the Massachusetts police chiefs association, a representative of the Massachusetts district attorneys’ association, the commissioner of the Boston police department or the commissioner’s designee, the director of the division of professional licensure or the director’s designee, a representative of the Massachusetts office for victim assistance, the director of the department of labor standards or the director’s designee, the commissioner of the department of children and families or the commissioner’s designee, the secretary of the executive office of public safety or the secretary’s designee, the commissioner of the office of probation or the commissioner’s designee; a representative of a group dedicated to immigrant and refugee issues appointed by the governor; a representative of a group dedicated to the prevention of violence against women appointed by the governor; a representative of an entity dedicated to prevention of and intervention in the trafficking of children appointed by the governor; a survivor of human trafficking appointed by the governor; a human trafficking attorney appointed by the governor; a human trafficking caseworker appointed by the governor; a mental health professional appointed by the governor and a university researcher with a background in human trafficking appointed by the governor.

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(b) Subject to appropriation, the task force shall:

- (i) coordinate the collection and sharing of human trafficking data among government agencies; provided, however, that such data collection shall respect the privacy of victims of human trafficking; coordinate strategies and make recommendations for law enforcement to share information for the purposes of detecting individuals and groups engaged in human trafficking;
- (ii) review and recommend policies and procedures to enable state government to work with non-governmental organizations and other elements of civil society to prevent human trafficking and to protect and provide assistance to victims of trafficking;
- (iii) identify and review the existing services and facilities that meet the needs of victims of human trafficking including, but not limited to, health and mental health services, housing, education and job training, legal services and victim compensation;
- (iv) evaluate approaches to increase public awareness of human trafficking and offer recommendations for programs and educational and training opportunities for law enforcement and social service providers including, but not limited to, methods used to identify human trafficking victims including preliminary interviewing and questioning techniques, methods of protecting the special needs of women and child human trafficking victims, developments in state and federal laws regarding human trafficking and methods to increase effective collaboration between state and local agencies, law enforcement, social service providers and non-governmental organizations;
- (v) examine ways to curtail the demand side of trafficking such as self sustaining first offender diversion programs;
- (vi) examine the costs associated with establishing a safe house pilot program for adult and child victims of human trafficking and identify public and private funding sources that may be used to develop and implement a safe house pilot program;
- (vii) examine cost-effective notices, announcements or advertisements that may be displayed in public places, such as airports, train stations, bus stations, hotels, massage parlors, spas, strip clubs and other sexually-oriented businesses providing information relating to services for human trafficking victims;
- (viii) recommend strategy and relevant methodologies for training providers in health and human services in the recognition of signs and circumstances indicating that an individual is the victim of human trafficking and the appropriate steps to report the individual to the appropriate law enforcement personnel or agencies;
- (ix) recommend ways to develop and promulgate educational materials and health curricula that may be used by school administrators and educators to identify human trafficking victims and the appropriate actions to be undertaken when such victims are identified and to educate school officials as to the scope and magnitude of human trafficking in the nation and the commonwealth including, but not limited to, how to prevent it and developing a parent guide and teacher training material on internet safety and methods of preventing the exploitation of minors over the internet; and
- (x) submit a report of its findings and recommendations to the clerks of the senate and the house of representatives who shall forward the report to the chairs of the joint committee on the judiciary not later than 18 months after the effective date of this act. The task force shall determine if subsequent reports are necessary in order to properly address human trafficking.

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Approved, November 21, 2011.

**Acts**
2011**CHAPTER 199** AN ACT RELATIVE TO GENDER IDENTITY.

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

SECTION 1. Section 7 of chapter 4 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by adding the following clause:-

Fifty-ninth, "Gender identity" shall mean a person's gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth. Gender-related identity may be shown by providing evidence including, but not limited to, medical history, care or treatment of the gender-related identity, consistent and uniform assertion of the gender-related identity or any other evidence that the gender-related identity is sincerely held as part of a person's core identity; provided, however, that gender-related identity shall not be asserted for any improper purpose.

SECTION 2. Section 32 of chapter 22C of the General Laws, as so appearing, is hereby amended by inserting after the word "gender", in line 12, the following words:- , gender identity.

SECTION 3. Section 89 of chapter 71 of the General Laws, as so appearing, is hereby amended by inserting after the word "sex", in lines 91 and 320, in each instance, the following words:- , gender identity.

SECTION 4. Section 5 of chapter 76 of the General Laws, as so appearing, is hereby amended by inserting after the word "sex", in line 10, the following words:- , gender identity.

SECTION 5. Section 12B of said chapter 76, as so appearing, is hereby amended by inserting after the word "sex", in line 185, the following words:- , gender identity.

SECTION 6. Section 3 of chapter 151B of the General Laws, as so appearing, is hereby amended by inserting after the word "sex", in lines 17 and 61, in each instance, the following words:- , gender identity.

SECTION 7. Section 4 of said chapter 151B, as so appearing, is hereby amended by inserting after the word "sex", in lines 3, 69, 82, 87, 96, 103, 136, 163, 169, 179, 226, 233, 243, 339, 349, 353, 359, 485, 495, 505, 661 and 670, in each instance, the following words:- , gender identity.

SECTION 8. Section 39 of chapter 265 of the General Laws, as so appearing, is hereby amended by

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inserting after the words “sexual orientation”, in line 4, the following words:- , gender identity.

SECTION 9. This act shall take effect on July 1, 2012.

Approved, November 23, 2011.



Acts

2010

CHAPTER 201 AN ACT RELATIVE TO THE PREPARATION OF CERTAIN BILINGUAL BALLOTS IN THE CITY OF BOSTON.

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

SECTION 1. As used in this act, the following words shall have the following meanings unless the context requires otherwise:-

“Board”, the board of election commissioners of the city of Boston.

“Chinese surname”, a surname which appears on the Lauderdale and Kestenbaum list of Chinese surnames.

“City”, the city of Boston.

“Election”, the choice by the voters of any public officer and to the taking of a vote upon any question by law submitted to the voters.

“Transliteration”, the printing of relevant Chinese characters to represent the phonetic equivalent of the syllables of an English name or a name in a language that is not traditionally written using Chinese characters.

“State election”, an election at which a national, state or county officer or a regional district school committee member elected districtwide is to be chosen by the voters, whether for a full term or for the filling of a vacancy.

“Vietnamese surname”, a surname which appears on the Lauderdale and Kestenbaum list of Vietnamese surnames.

SECTION 2. Notwithstanding section 40 of chapter 54 of the General Laws or any other general or special law to the contrary, in federal and state elections, the state secretary shall prepare bilingual ballots in English and Chinese and in English and Vietnamese in addition to any other bilingual ballots required by law in the designated polling places within the city as required by section 4.

SECTION 3. Notwithstanding section 58 of the charter of the city or any other general or special law to the contrary, in all city preliminary or final elections the board shall prepare bilingual ballots in English and Chinese and in English and Vietnamese in addition to any other bilingual ballots required by law in

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the designated polling places within the city as required by section 4.

SECTION 4. Bilingual ballots in English and Chinese shall be provided in each polling place in the city where there are at least 35 registered voters with Chinese surnames. Bilingual ballots in English and Vietnamese shall be provided in each polling place in the city where there are at least 30 registered voters with Vietnamese surnames.

At least 1 bilingual ballot in English and Chinese per registered voter with a Chinese surname shall be provided in each designated polling place. At least 1 bilingual ballot in English and Vietnamese per registered voter with a Vietnamese surname shall be provided in each designated polling place. In any district, county, state or federal primary or general election the state secretary may provide additional sets of bilingual ballots for any polling place in the city if the secretary deems it necessary. In any city preliminary or final elections, the board may provide additional sets of bilingual ballots for any polling place in the city if the board deems it necessary.

SECTION 5. The board in any city preliminary or final elections and the state secretary in any federal or state election shall provide for the transliteration of all candidates' names for bilingual ballots in English and Chinese. Each candidate shall be provided with a written copy of the proposed transliteration of that candidate's name. Within 7 days after receiving the proposed transliteration of the candidate's name, the candidate may provide written notice to the board or the state secretary, as the case may be, of any modification of the proposed transliteration of a candidate's own name or decline to have the candidate's own name transliterated on the ballot. The transliteration shall be subject to final approval by the board or the state secretary, as the case may be. The board or state secretary shall provide public notice of transliterated names as soon as practicable.

SECTION 6. The city shall record the number of bilingual ballots in English and Chinese and in English and Vietnamese that are printed, requested or used in all elections held in the city.

SECTION 7. This act shall take effect on January 1, 2011.

SECTION 8. This act shall expire on December 31, 2013.

SECTION 9. Notwithstanding any general or special law to the contrary, any costs resulting from implementation of this act shall be borne by the city of Boston. The state secretary shall enter into an agreement with the city of Boston regarding such costs before such implementation.

Approved July 31, 2010

**Acts**
2010**CHAPTER 239** AN ACT ELIMINATING THE WORD "RETARDATION" FROM THE GENERAL LAWS.

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

SECTION 1. Said section 17 of said chapter 10, as so appearing, is hereby further amended by striking out, in lines 18 and 19 and line 22, the words "mentally retarded persons" and inserting in place thereof, in each instance, the following words:- persons with an intellectual disability.

SECTION 2. Section 13 of chapter 18B of the General Laws, as so appearing, is hereby amended by striking out, in line 22, the words "mental retardation" and inserting in place thereof the following words:- intellectual disabilities.

SECTION 3. Section 21 of chapter 19 of the General Laws, as so appearing, is hereby amended by striking out, in line 40, the words "mentally retarded individuals" and inserting in place thereof the following words:- persons with an intellectual disability.

SECTION 4. Said section 21 of said chapter 19, as so appearing, is hereby further amended by striking out, in lines 46 and 47, the words "mentally retarded" and inserting in place thereof the following words:- persons with an intellectual disability.

SECTION 5. Said section 21 of said chapter 19, as so appearing, is hereby further amended by striking out, in line 59, the words "mentally retarded persons" and inserting in place thereof the following words:- persons with an intellectual disability.

SECTION 6. Section 1 of chapter 19B of the General Laws, as so appearing, is hereby amended by striking out, in lines 25, 26 and 27, 33, 42, 47 and 48, 49 and 51, the words "mental retardation" and inserting in place thereof, in each instance, the following words:- intellectual disabilities.

SECTION 7. Said section 1 of said chapter 19B, as so appearing, is hereby further amended by striking out, in line 14, the words "mentally retarded citizens of the commonwealth" and inserting in place thereof the following words:- persons with an intellectual disability.

SECTION 8. Said section 1 of said chapter 19B, as so appearing, is hereby further amended by striking out, in line 16 and 21, the words "mentally retarded persons" and inserting in place thereof, in each instance, the following words:- persons with an intellectual disability.

SECTION 9. Section 10 of said chapter 19B, as so appearing, is hereby amended by striking out, in

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line 2, the words “mental retardation” and inserting in place thereof the following words:- intellectual disability.

SECTION 10. Section 12 of said chapter 19B, as so appearing, is hereby amended by striking out, in lines 2, 7 and 8, the words “mental retardation” and inserting in place thereof, in each instance, the following words:- intellectual disability.

SECTION 11. Section 13 of said chapter 19B, as so appearing, is hereby amended by striking out, in lines 3, 8 and 9, 13, 27, 31, 32 and 33, the words “mental retardation” and inserting in place thereof, in each instance, the following words:- intellectual disability.

SECTION 12. Section 15 of said chapter 19B, as so appearing, is hereby amended by striking out, in lines 5 and 6, 9 and 39 and 40, the words “who are mentally retarded” and inserting in place thereof, in each instance, the following words:- with an intellectual disability.

SECTION 13. Section 16 of said chapter 19B, as so appearing, is hereby amended by striking out, in line 2, the words “mental retardation” and inserting in place thereof the following words:- intellectual disability.

SECTION 14. Section 18 of said chapter 19B, as so appearing, is hereby amended by striking out, in line 40, the words “mentally retarded individuals” and inserting in place thereof the following words:- persons with an intellectual disability.

SECTION 15. Said section 18 of said chapter 19B, as so appearing, is hereby further amended by striking out, in line 46, the words “mentally retarded” and inserting in place thereof the following words:- a person with an intellectual disability.

SECTION 16. Said section 18 of said chapter 19B, as so appearing, is hereby further amended by striking out, in line 59, the words “mentally retarded persons” and inserting in place thereof the following words:- persons with an intellectual disability.

SECTION 17. Section 1 of chapter 19C of the General Laws, as so appearing, is hereby amended by striking out, in lines 16 and 17, the words “mentally retarded, as defined by section one of chapter one hundred and twenty-three” and inserting in place thereof the following words:- a person with an intellectual disability as defined by section 1 of chapter 123B.

SECTION 18. Section 4 of said chapter 19C, as so appearing, is hereby amended by striking out, in line 28, the words “mentally retarded” and inserting in place thereof the following words:- a person with an intellectual disability.

SECTION 19. Section 3 of chapter 19D of the General Laws, as so appearing, is hereby amended by striking out, in line 9, the words “the mentally retarded” and inserting in place thereof the following

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words:- persons with an intellectual disability.

SECTION 20. Section 1 of chapter 31 of the General Laws, as so appearing, is hereby amended by striking out the definition of “Mentally retarded person”.

SECTION 21. Said section 1 of said chapter 31, as so appearing, is hereby further amended by inserting, after the definition of “Permanent employee” the following definition:- “Person with an intellectual disability”, a person certified as having an intellectual disability by the Massachusetts rehabilitation commission.

SECTION 22. Section 47 of said chapter 31, as so appearing, is hereby amended by striking out, in lines 7, 13 and 14, 27 and 28 and 33, the words “mentally retarded person” and inserting in place thereof, in each instance, the following words:- person with an intellectual disability.

SECTION 23. Said section 47 of said chapter 31, as so appearing, is hereby further amended by striking out, in line 10, the words “is mentally retarded” and inserting in place thereof the following words:- has an intellectual disability.

SECTION 24. Said section 47 of said chapter 31, as so appearing, is hereby further amended by striking out, in line 16, the words “retarded person” and inserting in place thereof the following words:- person with an intellectual disability.

SECTION 25. Said section 47 of said chapter 31, as so appearing, is hereby further amended by striking out, in lines 24 and 25, the words “mentally retarded person’s” and inserting in place thereof the following words:- person with an intellectual disability’s.

SECTION 26. Section 4E of chapter 111 of the General Laws, as so appearing, is hereby amended by striking out, in line 2, the words “mental retardation” and inserting in place thereof the following words:- intellectual disability.

SECTION 27. Section 63A of said chapter 111, as so appearing, is hereby amended by striking out, in line 4, the words “mentally retarded” and inserting in place thereof the following words:- or suffering from an intellectual disability.

SECTION 28. Section 67E of said chapter 111, as so appearing, is hereby amended by striking out, in lines 43 and 44 and 45, the words “mental retardation” and inserting in place thereof, in each instance, the following words:- an intellectual disability.

SECTION 29. Section 71 of said chapter 111, as so appearing, is hereby amended by striking out, in lines 6, 12, 15, 18, 135 and 136, 139 and 140, 159, 211, 232 and 242, the words “the mentally retarded” and inserting in place thereof, in each instance, the following words:- persons with an

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intellectual disability.

SECTION 30. Said section 71 of said chapter 111, as so appearing, is hereby further amended by striking out, in lines 162 and 163, the words “mentally retarded persons” and inserting in place thereof the following words:- persons with an intellectual disability.

SECTION 31. Section 72 of said chapter 111, as so appearing, is hereby amended by striking out, in lines 7 and 8, 13 and 14, 17, 20 and 21, 25, 27, 36 and 37 and 41, the words “the mentally retarded” and inserting in place thereof, in each instance, the following words:- persons with an intellectual disability.

SECTION 32. Said section 72 of said chapter 111, as so appearing, is hereby further amended by striking out, in lines 31 and 32, words “mentally retarded persons” and inserting in place thereof the following words:- persons with an intellectual disability.

SECTION 33. Section 73 of said chapter 111, as so appearing, is hereby amended by striking out, in line 4, the words “the mentally retarded” and inserting in place thereof the following words:- persons with an intellectual disability.

SECTION 34. Section 27 of chapter 118G of the General Laws, as so appearing, is hereby amended by striking out the definition of “Intermediate care facility for the mentally retarded or ICF/MR,” and inserting in place thereof the following definition:-

“Intermediate care facility for persons with an intellectual disability or ICF/PWID”, a privately or publicly operated intermediate care facility for persons with an intellectual disability.

SECTION 35. Said section 27 of said chapter 118G as so appearing, is hereby further amended by striking out, in lines 11, 13 and 31, the words “the mentally retarded” and inserting in place thereof, in each instance, the following words:- persons with an intellectual disability.

SECTION 36. Said section 27 of said chapter 118G, as so appearing, is hereby further amended by striking out, in lines 8, 12, 14 and 32, the words “mental retardation” and inserting in place thereof, in each instance, the following words:- an intellectual disability.

SECTION 37. Said section 27 of said chapter 118G is hereby further amended by striking out, in lines 28, 39, 41, 47, 49 and 53, the word “ICF/MR” and inserting in place thereof, in each instance, the following word:- ICF/PWID .

SECTION 38. Section 29 of chapter 119 of the General Laws, as so appearing, is hereby amended by striking out, in lines 1, 9, 14, 22 and 29, the words “mental retardation” and inserting in place thereof, in each instance, the following words:- an intellectual disability.

SECTION 39. Section 1 of chapter 123B of the General Laws, as so appearing, is hereby amended by

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striking out, in line 10, the words “mentally retarded person” and inserting in place thereof the following words:- person with an intellectual disability.

SECTION 40. Said section 1 of said chapter 123B, as so appearing, is hereby further amended by striking out the definition of “Mentally retarded person” .

SECTION 41. Said section 1 of said chapter 123B, as so appearing, is hereby further amended by inserting after the definition of “Independent funds” the following definition:-

“Person with an intellectual disability”, a person who, as a result of inadequately developed or impaired intelligence, as determined by clinical authorities as described in the regulations of the department, is substantially limited in the person’s ability to learn or adapt, as judged by established standards available for the evaluation of a person’s ability to function in the community; provided, however, that a person with an intellectual disability may be considered mentally ill; provided further, that no person with an intellectual disability shall be considered mentally ill solely by virtue of the person’s intellectual disability.

SECTION 42. Said section 1 of said chapter 123B, as so appearing, is hereby further amended by striking out, in line 27, the words “his mental retardation” and inserting in place thereof the following words:- their intellectual disability.

SECTION 43. Section 2 of said chapter 123B, as so appearing, is hereby amended by striking out, in line 5, the words “mentally retarded persons” and inserting in place thereof the following words:- persons with an intellectual disability.

SECTION 44. Said section 2 of said chapter 123B, as so appearing, is hereby further amended by striking out, in line 8, the word “the mentally retarded” and inserting in place thereof the following words:- persons with an intellectual disability.

SECTION 45. Said section 2 of said chapter 123B, as so appearing, is hereby further amended by striking out, in line 11, the word “mental retardation” and inserting in place thereof the following words:- intellectual disability.

SECTION 46. Section 3 of said chapter 123B, as so appearing, is hereby amended by striking out, in lines 2 and 3, 3 and 4, 7 and 8, 10, 25 and 26, 36 and 48 and 49, the words “mentally retarded person” and inserting in place thereof, in each instance, the following words:- person with an intellectual disability.

SECTION 47. Said section 3 of said chapter 123B, as so appearing, is hereby further amended by striking out, in lines 11 and 47, the words “the mentally retarded” and inserting in place thereof, in each instance, the following words:- persons with an intellectual disability.

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SECTION 48. Said section 3 of said chapter 123B, as so appearing, is hereby further amended by striking out, in line 16, the word “retarded” and inserting in place thereof the following words:- intellectually disabled.

SECTION 49. Section 4 of said chapter 123B, as so appearing, is hereby amended by striking out, in lines 23 and 30, the words “mentally retarded person” and inserting in place thereof, in each instance, the following words:- person with an intellectual disability.

SECTION 50. Section 5 of said chapter 123B, as so appearing, is hereby amended by striking out, in line 1, the words “mentally retarded person” and inserting in place thereof the following words:- person with an intellectual disability.

SECTION 51. Section 6 of said chapter 123B, as so appearing, is hereby amended by striking out, in line 3, the words “mentally retarded person” and inserting in place thereof the following words:- person with an intellectual disability.

SECTION 52. Section 8 of said chapter 123B, as so appearing, is hereby amended by striking out, in lines 1, 5 and 113, the words “mentally retarded person” and inserting in place thereof, in each instance, the following words:- person with an intellectual disability.

SECTION 53. Said section 8 of said chapter 123B, as so appearing, is hereby further amended by striking out, in lines 105 and 106 and 117 and 118, the words “mentally retarded persons” and inserting in place thereof, in each instance, the following words:- persons with an intellectual disability.

SECTION 54. Section 9 of said chapter 123B, as so appearing, is hereby amended by striking out, in lines 1, 4 and 10, the words “mentally retarded person” and inserting in place thereof, in each instance, the following words:- person with an intellectual disability.

SECTION 55. Section 12 of said chapter 123B, as so appearing, is hereby amended by striking out, in lines 12 and 19, the words “mentally retarded person” and inserting in place thereof, in each instance, the following words:- person with an intellectual disability.

SECTION 56. Section 16 of said chapter 123B, as so appearing, is hereby amended by striking out, in lines 17 and 26, the words “the mentally retarded” and inserting in place thereof, in each instance, the following words:- persons with an intellectual disability.

SECTION 57. Section 11 of chapter 131 of the General Laws, as so appearing, is hereby amended by striking out, in line 38, the words “mentally retarded” and inserting in place thereof the following words:- has an intellectual disability.

SECTION 58. Section 30B of chapter 149 of the General Laws, as so appearing, is hereby amended

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by striking out, in line 14, the words “mental retardation” and inserting in place thereof the following words:- intellectual disability.

SECTION 59. Section 193T of chapter 175 of the General Laws, as so appearing, is hereby amended by striking out, in line 5, the words “mental retardation” and inserting in place thereof the following words:- intellectual disability.

SECTION 60. Section 1-404 of chapter 190B of the General Laws, as so appearing, is hereby amended by striking out, in lines 4 and 12, the words “mentally retarded person” and inserting in place thereof, in each instance, the following words:- person with an intellectual disability.

SECTION 61. Section 5-303 of said chapter 190B, as so appearing, is hereby amended by striking out, in lines 18, 52, and 75, the words “be mentally retarded” and inserting in place thereof, in each instance, the following words:- have an intellectual disability.

SECTION 62. Said section 5-303 of said chapter 190B, as so appearing, is hereby further amended by striking out, in lines 77 and 78, the words “of mentally retarded persons” and inserting in place thereof the following words:- persons with an intellectual disability.

SECTION 63. Section 1B of chapter 192 of the General Laws, as so appearing, is hereby amended by striking out, in line 3, the words “mental retardation” and inserting in place thereof the following words:- intellectual disability.

SECTION 64. Section 7 of chapter 206 of the General Laws, as so appearing, is hereby amended by striking out, in lines 9 and 10 and 12, the words “mentally retarded person” and inserting in place thereof, in each instance, the following words:- person with an intellectual disability.

SECTION 65. Said section 7 of said chapter 206, as so appearing, is hereby further amended by striking out, in line 13, the words “or mentally retarded person” and inserting in place thereof the following words:- person or a person with an intellectual disability.

SECTION 66. Section 24 of said chapter 206, as so appearing, is hereby amended by striking out, in line 13, the words “mentally retarded persons” and inserting in place thereof the following words:- persons with an intellectual disability.

SECTION 67. Section 34E of chapter 221 of the General Laws, as so appearing, is hereby amended by striking out, in lines 35, 43 and 50, the word “retardation” and inserting in place thereof, in each instance, the following words:- intellectual disability.

SECTION 68. Section 23E of chapter 233 of the General Laws, as so appearing, is hereby amended by striking out, in lines 4, 6, 13 and 14, 15, 17, 21, 28 and 29, 50 and 51, 52 and 53 and 66, the words “mental retardation” and inserting in place thereof, in each instance, the following words:- an

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intellectual disability.

SECTION 69. Said section 23E of said chapter 233, as so appearing, is hereby further amended by striking out, in line 7, the words “Mental retardation” and inserting in place thereof the following words:- Intellectual disability.

SECTION 70. Said section 23E of said chapter 233, as so appearing, is hereby further amended by striking out, in line 75, the words “mental retardation” and inserting in place thereof the following words:- persons with an intellectual disability.

SECTION 71. Section 13F of chapter 265 of the General Laws, as so appearing, is hereby amended by striking out, in lines 2, 11, 12 and 13 and 14, the words “mentally retarded person” and inserting in place thereof, in each instance, the following words:- person with an intellectual disability.

SECTION 72. Said section 13F of said chapter 265, as so appearing, is hereby further amended by striking out, in lines 2 and 14, the words “be mentally retarded” and inserting in place thereof, in each instance, the following words:- have an intellectual disability.

Approved August 4, 2010

Appendix C:

Independent Reports and Documents



E-Alerts

Far-reaching Anti-bullying Law Enacted In Massachusetts

May 2010 by [Sara Goldsmith Schwartz](#)

On May 3, 2010, Massachusetts Governor Deval Patrick signed into law "An Act Relative to Bullying in Schools" (the "Act"), a measure aimed at preventing bullying in all of the Commonwealth's public and independent schools. Support for the Act, which the Massachusetts legislature unanimously passed, was bolstered by the recent suicides of two Massachusetts students who apparently endured bullying and harassment from fellow students prior to their deaths.

The Act's most significant provision requires each Massachusetts school, by December 31, 2010, to develop a bullying prevention and intervention plan that complies with certain mandates, discussed below. The absence of such a plan not only will violate the Act but also could make a school vulnerable to various potential lawsuits. For instance, a bullied student could sue the school for negligent infliction of emotional distress based on the school's failure to provide protection against bullying. Similarly, a student disciplined by a school for allegedly bullying a classmate could sue the school for failing to have implemented and conducted the required investigation.

As these points illustrate, a clear and detailed bullying prevention and intervention plan is not merely a technical legal requirement. It is an important tool that will allow the school to protect its students, faculty and staff – and to confidently impose appropriate sanctions on violators.

Notably, the Massachusetts law is arguably the most far-reaching anti-bullying law in the country. While forty-four (44) states, including Massachusetts, now have laws that prohibit bullying of students in school and on-line, the Massachusetts statute includes private schools within its mandate. Most of the other states have excluded private schools from their anti-bullying laws. In addition, anti-bullying laws in other states generally ban bullying that targets individuals based on race, national origin, gender and other protected categories. The Massachusetts law is not limited to bullying based on protected categories. While there may be free speech challenges to the far-reaching nature of this law, we do not expect the law to be overturned.

Bullying Prevention And Intervention Plans

Each bullying prevention and intervention plan must, among other things:

- include descriptions of and statements prohibiting bullying and retaliation;
- establish procedures for reporting bullying and retaliation;
- allow reports of bullying and retaliation to be made anonymously;
- establish procedures for promptly responding to and investigating reports of bullying and retaliation;
- establish procedures for restoring a sense of safety to the victim; and
- establish procedures for promptly notifying the parents of both the victim and the perpetrator of the allegedly bullying conduct.

In developing its plan, each school must consult with teachers, school staff, professional

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support personnel, administrators, students and parents – and, in the course of such consultation, provide the community with notice and an opportunity to comment. A school must update its bullying prevention and intervention plan every two years and file each plan with the Massachusetts Department of Elementary and Secondary Education (“MDESE”). If the school maintains an internet website, it must post the plan.

Each school must provide annual written notice of its bullying prevention and intervention plan to all students, parents and employees; provide annual training on the plan to its faculty, staff and administration; and include relevant sections of the plan in its employee handbook. Each school also must provide age-appropriate instruction on bullying prevention to each grade and incorporate this instruction into its curriculum. As to this requirement, MDESE is mandated to publish guidelines by June 30, 2011.

Expansive Definition Of “Bullying”

The Act defines “bullying” broadly – as the severe or repeated use by one or more students of a written, verbal, or electronic expression, or a physical act or gesture, or any combination thereof, directed at another student that has the effect of:

- (i) causing physical or emotional harm to the other student or damage to the other student’s property;
- (ii) placing the other student in reasonable fear of harm to himself/herself or of damage to his/her property;
- (iii) creating a hostile environment at school for the other student;
- (iv) infringing on the rights of the other student at school; or
- (v) materially and substantially disrupting the education process or the orderly operation of a school.

“Cyber-bullying,” defined as bullying undertaken through the use of technology or any electronic means, is explicitly prohibited under the Act.

The proscription against bullying extends beyond school grounds to school-sponsored and school-related activities, functions and programs; school bus stops; school buses and other vehicles owned, leased or used by the school; and school computers and other technologies. Bullying at a location or function that is not school-related, or via technology or an electronic device that is not owned, leased or used by the school is also prohibited if the bullying creates a hostile environment for the victim while he or she is at school. Thus, a student who sends a harassing text message to another student will be considered to have engaged in bullying if the recipient of the text message is placed in reasonable fear of physical harm while at school, even if the message was sent and received outside of school hours and off school property.

Given this expansive definition of bullying, schools must be diligent in staying current with constantly changing technologies. Otherwise, it will be difficult to effectively prevent and intervene in evolving bullying tactics.

Other Key Features Of The Act

The Act goes so far as to make certain types of bullying a criminal offense. Specifically, the Act:

- amends the criminal statute regarding Stalking (M.G.L. c. 265, § 43) to cover acts or threats made via instant messaging (computer) and text messaging (cell phone);
- amends the criminal statute regarding Criminal Harassment (M.G.L. c. 265, § 43A) to cover these kinds of threats; and
- amends the criminal statute regarding Annoying Telephone Calls (M.G.L. c. 269, § 14A) to cover harassing or annoying behavior made via electronic communications.

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The Act also establishes a seven-member commission—composed of the Attorney General and a representative from each of several state associations, including the District Attorneys Association and Chiefs of Police Association—for the purposes of making an investigation and study relative to bullying and cyber-bullying. The commission is charged with determining whether additional criminal laws should be amended to sufficiently address this problem.

Recommendations For Schools

Our attorneys are already assisting schools with these compliance obligations, and we urge all schools to promptly take the following measures:

- Draft and implement a bullying prevention and intervention plan;
- Ensure that the school's actual practices comport with the bullying prevention and intervention plan;
- Review all student and personnel policies and update them for compliance (we recommend that this be done each year);
- Implement and/or update an internal complaint process to comport with best practices for protecting the entire school community;
- Train faculty, staff and administration on the bullying prevention and intervention plan, as well as on how to prevent, identify and remedy hazing, harassment and bullying; and
- Implement annual acknowledgment forms with respect to these issues.

The Firm has already developed and presented a compliance training program, and we would be pleased to assist schools in any way with all of these compliance tasks. As always, please contact us if you have questions about the Act or need compliance assistance.

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