

Council for Fair School Finance

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Parent Lawsuit Alleges Constitutional Violation of Students' Education and Civil Rights

Lawsuit Against State Education Officials and Board of Education Filed Today on Behalf of Students in Underfunded Schools

BOSTON — More than a dozen parents from across the state today filed a lawsuit condemning Massachusetts state education officials and the state board of education for ignoring the constitutional mandate requiring the Commonwealth to fund a quality education for all students. The parents allege constitutional violations of students' education and civil rights as a result of the state's inadequate school funding system.

"Students in underfunded school districts are being deprived of the opportunity to receive the education to which they are entitled," alleges the lawsuit filed with the Massachusetts Supreme Judicial Court. "Public schools are increasingly unable to provide sufficient resources to meet ever-increasing educational challenges."

"Chelsea is one of the poorest communities in Massachusetts and it sits within a stone's throw of Massachusetts' capital city," said **Mayra Balderas, a parent from Chelsea whose son is a plaintiff in the case**. "For years, the state has ignored the education needs of children here, including my 10-year-old. Our constitution requires the state to educate all students, no matter where they live, their family income, the color of their skin, the language they speak at home or the services they need to succeed."

The plaintiffs — children and their parents from Chelsea, Chicopee, Fall River, Haverhill, Lowell, Orange, and Springfield — are joined in the suit by the New England Area Conference of the NAACP and the Chelsea Collaborative, whose members include parents and students in those seven underfunded school districts.

The lawsuit was developed by the Council for Fair School Finance (CFSC), which has a history of advancing the cause of education through the courts. Over a quarter-century ago, in a landmark case brought by the CFSF, the court held on June 15, 1993, in *McDuffy v. Secretary of the Executive Office of Education*, that the Commonwealth of Massachusetts has a duty under the Massachusetts Constitution to provide students with a high-quality education.

“Education rights are civil rights and this complaint documents in stark detail the neglect that persists in public schools for children of color and poor students throughout this state,” said **Juan Cofield, President of the New England Area Conference of the NAACP**, which is also a plaintiff in the case. “Disparities between the wealthiest and the poorest districts are widening, and students in underfunded school districts are being denied the education they are constitutionally guaranteed.”

In Chelsea, inadequate state funding means many classrooms have over 30 students, even at the elementary level. In Chicopee, after-school programs and 37 staff positions were eliminated this year, while many school buildings are over 50 years old and books that are over 30 years old are still used in class. In Fall River, a single English language learner specialist often is responsible for the language needs of 75 students, while students themselves often serve as translators for parent-teacher meetings, as the district cannot recruit, retain, or afford enough bilingual professionals to meet a growing ELL population.

“Fall River is an increasingly diverse community with growing populations of Latinx, Black and foreign born residents,” said **Denise DaPonte Mussotte, the mother of four Fall River students who are plaintiffs in the case**. “The state’s failure to fund the staff, material and services our children need to succeed targets them for failure, instead of the success their father and I teach them to strive for.”

“My son has a learning disability. He's in classes with other students who have learning disabilities and others who do not,” said **Maneisha Straker, the mother of two Fall River students who are plaintiffs in the case**. “Fall River can't afford to give them the special help they need. It's not fair to my son, but it's also not fair to his classmates when their teacher doesn't have another trained adult in the classroom providing that extra help.”

“The Legislature and the governor know or should have known of the impacts of the present school financing system,” said **Gladys Vega, Executive Director of the Chelsea Collaborative**, another plaintiff in the case. They continued to operate the present system and permit the stark disparities in the educational opportunities and outcomes for students of color.”

The nearly 100-page complaint documents, in painstaking detail, numerous disturbing facts about the failures of our public education funding system. It cites the bipartisan Foundation Budget Review Commission report, issued in 2015, which conclusively found that significant additional funding was needed in four key areas: services for low-income students, students with disabilities, and English language learners, as well as employee and retiree health insurance.

“In the 25 years since the court required a new era in school funding, the Commonwealth of Massachusetts has abandoned its constitutional duty to ensure that all students receive a quality education,” said **Matthew H. Malone, superintendent of the Fall River Public Schools**. “Our local public school districts are splintered between the haves and the have-nots. For

students in far too many communities who attend schools that are woefully underfunded, our state's proud history and national reputation as a leader in public education is now just an empty story."

"We are pleased to see the issue of public education funding at the top of the legislative agenda this year," said **Iván Espinoza-Madrigo, Esq., Executive Director of Lawyers for Civil Rights**. "But merely taking action will not be enough to fix the racial, economic, and geographic disparities that have harmed students for more than a decade. We expect and demand the resources necessary to give every student the high-quality education they are entitled to under our Constitution."

In Lowell, where over 70 percent of the school district's enrollment is made up of students of color, the district does not employ a single DESE-licensed librarian. In Springfield, where more than 75 percent of the students are considered economically disadvantaged, inadequate state funding has forced "a steady diet of budget cuts year after year." Haverhill, where more than 45 percent of students are considered economically disadvantaged, employs only one guidance counselor for every 503 students and no social workers.

"This is a statewide problem that disproportionately impacts poor urban and rural communities," said **Devin Sheehan, president of the Massachusetts Association of School Committees**. "Local education officials can't fix this alone. We need help from the state, and if need be, that includes the state's courts."

The rural community of Orange in Franklin County has the ninth lowest median income in the state. Only 16.9 percent of its residents have attained a bachelor's degree or higher, and 55 percent of its students are considered economically disadvantaged. This year, Orange could not afford to fully staff its elementary schools and eliminated entire classes, which increased class sizes across all of its schools. Classroom computers have not been updated since the 1990s, and the district cannot replace textbooks that are decades old and falling apart at the seams.

"Without more state education aid, students in Orange will simply fall further and further behind," said **Danielle Andersen, the mother of two Orange students who are plaintiffs in the case**. "The condition of their school buildings and learning materials are deplorable. It sends them the message that we expect them to fail."

In support of the lawsuit is Jami (McDuffy) Milnamow, an Instructional Leadership Coach for STEM in the Brockton public schools and the plaintiff in the landmark legal case bearing her name, which was filed when she was a Brockton Public Schools sixth-grader.

"When I was a student, children across the Commonwealth and I asked the state to support our quest for educational opportunities equal to those of our peers," said **Milnamow**. "Today, my students also have that constitutional right to high quality education, and schools are struggling to meet their needs because of funding. Massachusetts leads the nation in academic excellence

— we need to step to the challenge, again, to make funding fair and equitable for all students so we can all continue to excel.”

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The Council for Fair School Finance is a nonprofit coalition of stakeholders in preK-to-12 education that includes the following members: AFT Massachusetts, the Boston Teachers Union, Citizens for Public Schools, Lawyers for Civil Rights, the Massachusetts Association of School Committees, the Massachusetts Teachers Association, and the New England Area Conference of the NAACP.