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Media Contacts:

Bob McGovern, Committee for Public Counsel Services, rmcgovern@publiccounsel.net
Phil Kassel, Mental Health Legal Advisors Committee, pkassel@mhlac.org

Massachusetts Department of Elementary and Secondary Education Sued for Failure to Provide Special Education to Incarcerated Youth

WOBURN —Incarcerated emerging adults have brought a class-action lawsuit against the Massachusetts Department of Elementary and Secondary Education (DESE) for its systemic failure to fulfill its statutory duty to provide special education to incarcerated youth in houses of correction (HOCs) across the Commonwealth. [The complaint](#) brought against DESE highlights a list of harmful practices that bar vulnerable students from receiving the education and services they are entitled to under state law.

The plaintiffs — represented by the EdLaw Project of the Committee for Public Counsel Services and the Mental Health Legal Advisors Committee — assert that DESE has consistently failed to implement a statewide system capable of identifying and providing necessary special education services to incarcerated students with disabilities. Despite clear statutory mandates requiring DESE to directly provide such services, the department has unlawfully delegated much of its responsibility to HOC staff and local school districts, and failed to make sure they follow through, depriving students of education when they may need it most.

“DESE's failure to uphold its legal obligation to provide adequate education to incarcerated youth is unacceptable. Every student, regardless of their circumstances, deserves access to a quality education that meets their individual needs,” said Phil Kassel of the Mental Health Legal Advisors Committee. “We are committed to fighting for the rights of these vulnerable individuals and holding DESE accountable for its failures.”

“We are very proud to be representing young people who are in incredibly difficult circumstances and are still fighting to access the education they’re entitled to and build their futures,” said Elizabeth Levitan of the EdLaw Project.

The complaint, filed in Middlesex Superior Court, seeks declaratory and injunctive relief on behalf of a class of similarly situated students, demanding that DESE implement an effective system for identifying and providing special education services to incarcerated youth, ensure

faithful implementation of IEPs, and provide a minimum of 27.5 hours of general curriculum instruction per week.

About the EdLaw Project: The EdLaw Project is an education advocacy initiative of the Committee for Public Counsel Services and the Youth Advocacy Foundation focused on combating the School-to-Prison pipeline through trainings for juvenile justice and child welfare attorneys; technical assistance for youth and parents through our statewide helpline; and direct education advocacy.

About Mental Health Legal Advisors Committee: MHLAC provides legal and policy advocacy for people with mental health challenges throughout Massachusetts. Its central priority is to address those concerns that are most closely related to clients' ability to live full and independent lives.