

MHLAC Litigation Docket – current cases

Pending determination of liability:

Doe v. Tutweiler (lead counsel with the EdLaw Project of Committee for Public Counsel Services and Latham & Watkins): Statewide class action on behalf of adults of school age confined in county houses of correction and denied special education in violation of clear statutory mandate. See G.L. c. 76, § 11. Defendants' Motion to Dismiss and Plaintiffs' Motion for **Class Certification** pending. See **Complaint**.

Doe v. Mass. Parole Board: (lead counsel with Prisoners Legal Services and the Disability Law Center): Class action challenge to Parole Board's failure to offer reasonable accommodations to parole eligible incarcerated persons with cognitive and mental health challenges who need assistance in making a case for parole. In settlement talks. See **Complaint**.

Doe v. Gorzkowicz: Class action challenge to the publication practice of the Division of Administrative Law Appeals, which issues decisions on public employees' appeals of adverse decisions (e.g., disability retirement benefits) that are replete embarrassing facts and identifying information that must be redacted before the decisions are posted online under Massachusetts privacy law. Plaintiffs' Motions for Summary Judgment and Class Certification (which is unopposed) are pending. See **Complaint**.

Vyrros v. Boston Public Schools: Challenge to BPS' termination of teacher's employment without compliance with statute governing procedural rights of tenured teachers. Adverse trial court decision reversed and remanded by the Appeals Court due to Defendant's due process violation for entry of judgment and determination of remedy. Trial Court on remand held that Plaintiff was not entitled to back pay or otherwise to be made whole. Likely second appeal pending. See **Appeals Court decision**.

Monitoring and Enforcement:

Battle v. Heroux (co-counsel with Prisoners Legal Services): Class action challenge to undue punitive segregation and inadequate mental health care at the Bristol County jail. Settled favorably. Expert review of jail practices disclosed widespread non-compliance with the terms of the **Settlement Agreement**, prompting negotiations in advance of any enforcement action under agreed exhaustion requirement.

Padres Latinos De Las Escuelas De Springfield y Holyoke (PLESH) v. Massachusetts Department Of Elementary & Secondary Education (with Holland and Knight and Massachusetts Law Reform, Inc.; leading enforcement effort): Class action challenge to Holyoke School District's failure to provide translation of documents and interpretation at

meetings for limited English proficient parents of students with disabilities, as well as to DESE's failure to require compliance with state and federal law establishing parental right to involvement in educational planning. **Settled** favorably in June, 2020. Rigorous enforcement efforts are responsible for significant improvement in the District's performance.